

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF TED A. MILLER OR LUCILE I.)
MILLER FOR APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 4748

On April 16, 1981, an application was filed in the office of the Water Resources Director by Ted A. Miller and Lucile I. Miller for approval of a change in point of diversion of water from Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Douglas County, Oregon, entered August 14, 1930, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Cow Creek and Its Tributaries, a water right was established in the name of George Cheney, tabulated in Volume 10, page 352, Order Record of the Water Resources Director, for use of the waters of Cow Creek for irrigation of, among other lands, a certain 0.7 acre in NE 1/4 SE 1/4, Section 5, Township 32 South, Range 4 West, WM, with a date of priority of September 3, 1908, as evidenced by the certificate recorded at page 9613, Volume 9, State Record of Water Right Certificates.

Water for the said right is diverted from a point located 650 feet South and 1,050 feet East from the West Quarter Corner of Section 4, being within the NW 1/4 SW 1/4 of Section 4, Township 32 South, Range 4 West, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 600 feet South and 740 feet West from the East Quarter Corner of Section 5, being within the NE 1/4 SE 1/4 of Section 5, Township 32 South, Range 4 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of April 23, 30, and May 7, 1981.

M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.01 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

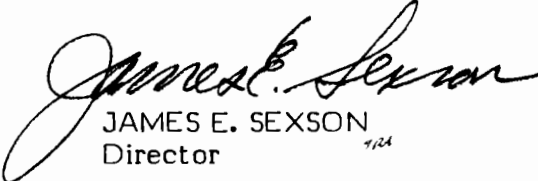
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 29th day of June, 1981.


JAMES E. SEXSON
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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