

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
JAMES E. STEARNS, JR., FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER)

ORDER APPROVING
TRANSFER 4997

On March 1, 1982, an application was filed in the office of the Water Resources Director by James E. Stearns, Jr., for approval of a change in place of use of water from Calapooya Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 39353, Volume 31, State Record of Water Right Certificates, in the name of James E. Stearns, Jr., incorrectly describes a right for the use of not to exceed 0.185 cubic foot per second from Calapooya Creek as being for irrigation of 0.1 acre in SE 1/4 SW 1/4 and 6.8 acres in SW 1/4 SE 1/4, both as projected within Reed DLC 58, Section 5; 6.0 acres in NW 1/4 NE 1/4 and 2.1 acres in NE 1/4 NW 1/4, both as projected within Reed DLC 58, Section 8, Township 25 South, Range 5 West, WM, with a date of priority of April 20, 1923. The correct location of said right is 0.1 acre in SE 1/4 SW 1/4 and 6.1 acres in SW 1/4 SE 1/4, both as projected within Reed DLC 58, Section 5; 3.0 acres in NW 1/4 NE 1/4 and 5.8 acres in NE 1/4 NW 1/4, both as projected within Reed DLC 58, Section 8, Township 25 South, Range 5 West, WM.

Water for the said right is diverted from a point located 820 feet South and 3,080 feet East from the Northwest Corner of DLC 58, being within the SE 1/4 SE 1/4 of Section 5, Township 25 South, Range 5 West, WM.

The applicant herein, owner of the lands above described, proposes to sever the right from 0.1 acre in SE 1/4 SW 1/4 and 1.9 acres in SW 1/4 SE 1/4, both as projected within Reed DLC 58, Section 5; 2.2 acres in NW 1/4 NE 1/4 and 0.8 acre in NE 1/4 NW 1/4, both as projected within Reed DLC 58, Section 8, Township 25 South, Range 5 West, WM, as corrected, and, without loss of priority, to irrigate in lieu thereof 5.0 acres in SW 1/4 SE 1/4, as projected within Reed DLC 58, Section 5, Township 25 South, Range 5 West, WM, together with the balance of aforesaid lands, as corrected.

Gary L. Ball, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

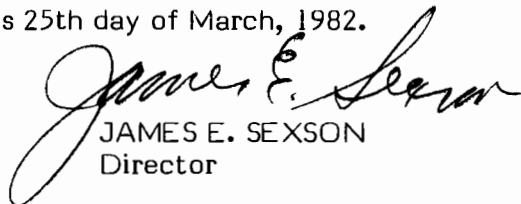
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 39353, Volume 31, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right as corrected herein NOT involved in this proceeding; and 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 applicant herein.

Dated at Salem, Oregon this 25th day of March, 1982.


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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