

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF JERRE & RUTH DEWALD FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4162

On February 16, 1979, an application was filed in the office of the Water Resources Director by Jerre and Ruth DeWald for approval of a change in point of diversion of water from Canyon Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 43745, Volume 35, State Record of Water Right Certificates, in the names of T. C. Shaw, E. W. Elliott and Mrs. Mary Odle, describes a right which includes the use of not to exceed 0.004 cubic foot per second from Canyon Creek for irrigation of 0.3 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M., with a date of priority of February 10, 1912.

The authorized point of diversion for said right is located 231 feet South and 330 feet West from the Northeast Corner of Joseph Roberts D.L.C. No. 59, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M.

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 1150 feet North and 470 feet West from the Northeast Corner of Joseph Roberts D.L.C. No. 59, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of March 1, 8 and 15, 1979.

Mr. 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 shall not exceed the quantity of water available at the old point of diversion under the subject right.

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:

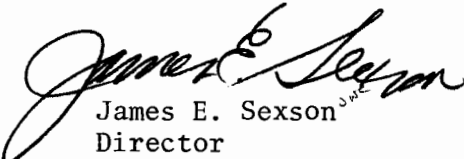
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 43745, Volume 35, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of work and beneficial use of water to the extent intended under the provision of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 14th day of May, 1979.


James E. Sexson
Director