BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOHN O. SETHER FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5352

On August 24, 1983, an application was filed in the office of the Water Resources Director by John O. Sether for approval of changes in place of use and point of diversion of water from Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 26331, Volume 18, State Record of Water Right Certificates, in the name of Olger G. Sether, describes a right for the use of not to exceed 0.30 cubic foot per second from Cow Creek, for irrigation of 0.1 acre in SE 1/4 SW 1/4, 10.4 acres in SW 1/4 SE 1/4, 5.0 acres in SE 1/4 SE 1/4, Section 34, Township 32 South, Range 6 West, WM; 2.2 acres in NW 1/4 NE 1/4 and 3.2 acres in NE 1/4 NW 1/4, Section 3, Township 33 South, Range 6 West, WM, with a date of priority of September 9, 1954.

Water for the said right is diverted from a point located 700 feet North and 525 feet West from the Southeast Corner of Section 34, being within the SE 1/4 SE 1/4 of Section 34, Township 32 South, Range 6 West, WM.

The applicant herein, owner of the lands above described, proposes to sever the right from said 5.0 acres in SE 1/4 SE 1/4, Section 34, Township 32 South, Range 6 West, WM, and to irrigate in lieu thereof 0.8 acre in SW 1/4 SE 1/4, 3.0 acres in SE 1/4 SE 1/4, Section 34, Township 32 South, Range 6 West, WM; and 1.2 acres in NE 1/4 NE 1/4, Section 3, Township 33 South, Range 6 West, WM, together with the balance of aforesaid lands from the aforesaid point of diversion and two additional points located 1) 400 feet North and 3100 feet East from the West Quarter Corner of Section 35, being within the SW 1/4 NE 1/4 of Section 35, Township 32 South, Range 6 West, WM, and 2) 100 feet North and 100 feet West from the South Quarter Corner of Section 34, being within the SE 1/4 SW 1/4 of Section 34, Township 32 South, Range 6 West, WM.

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 September 15, 22 and 29, 1983.

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

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

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in place of use and point of diversion are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new points 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.

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 water used from the proposed points of diversion on or before October 1, 1985.

It is FURTHER ORDERED that the certificate recorded at page 26331, Volume 18, 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 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 18th day of November, 1983.

William H. Young

WILLIAM H. YOUNG
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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