

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION OF THE)
CITY OF BROWNSVILLE FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5313

On July 6, 1983, an application was filed in the office of the Water Resources Director by the City of Brownsville for approval of a change in point of diversion of water from Calapooia River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 33735, Volume 25, State Record of Water Right Certificates, in the name of City of Brownsville, describes a right for the use of not to exceed 0.67 cubic foot per second from Calapooia River for municipal use within the City of Brownsville, with a date of priority of February 23, 1962.

Water for the said right is diverted from a point located North 71 degrees East, 1600 feet from the Southwest Corner of Section 31, being within the SW 1/4 SW 1/4 of Section 31, Township 13 South, Range 2 West, WM.

The applicant herein proposes to change the point of diversion therefrom to a point located 800 feet North from the Southwest Corner of Section 31, being within the SW 1/4 SW 1/4 of Section 31, Township 13 South, Range 2 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Brownsville Times, a newspaper printed and having general circulation in Linn County, Oregon, for a period of three weeks in the issues of July 14, 21 and 28, 1983.

L. Gene McGinnis, 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 proposed change in point of diversion is approved, without loss of priority.

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, and shall not exceed 0.67 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:

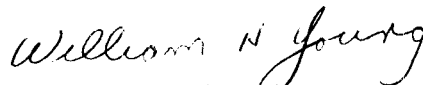
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1985.

It is FURTHER ORDERED that the certificate recorded at page 33735, Volume 25, State Record of Water Right Certificates, is canceled; 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 1st day of November, 1983.


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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