

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION )  
OF W. B. GARRETT, DORIS GARRETT )  
AND AMANDA GARRETT FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM COW CREEK. )  
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O R D E R  
APPROVING APPLICATION

On April 11, 1956, W. B. Garrett, Doris Garrett and Amanda Garrett, by W. B. Garrett, Manager, filed an application for the 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 on 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 adjudicated in the name of C. O. Garrett for the irrigation of 18.3 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 0.3 acre in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 16.6 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 28.8 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 3 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 3.3 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 35, Township 32 South, Range 6 West, W. M., from Cow Creek with a date of priority of September 1901. These lands are irrigated through the Cow Creek Irrigation Company ditch, the point of diversion of said ditch being located 75 feet north and 2000 feet east from the south quarter corner of Section 19, and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 19, Township 32 South, Range 5 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate said lands by means of a portable pumping unit to be located on their lands along Cow Creek within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$  AND NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 35, Township 32 South, Range 6 West, W. M.

Notice by publication as provided by ORS 540.520 was given in the Roseburg News Review, a newspaper printed and having general circulation

in Douglas County, Oregon, for a period of three weeks, and being the issues of June 1, 8 and 15, 1956. The time for hearing as fixed in the notice, namely: July 26, 1956, was not less than thirty days after the last publication of the notice.

Mr. Tom R. Pearce, Watermaster of District No. 16, has submitted a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water from Cow Creek 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 of water from Cow Creek, to-wit:

From a point located 75 feet north and 2000 feet east from the south quarter corner of Section 19, and being within the  $SE\frac{1}{4} SE\frac{1}{4}$ , said Section 19, Township 32 South, Range 5 West, W. M.,

To a portable pumping unit to be located on applicants' lands along Cow Creek within the  $SW\frac{1}{4} NE\frac{1}{4}$ ,  $N\frac{1}{2} SW\frac{1}{4}$  and  $NW\frac{1}{4} SE\frac{1}{4}$ , Section 35, Township 32 South, Range 6 West, W.M.,

for the irrigation of 18.3 acres in the  $NE\frac{1}{4} NW\frac{1}{4}$ , 0.3 acre in the  $NW\frac{1}{4} NW\frac{1}{4}$ , 16.6 acres in the  $SW\frac{1}{4} NW\frac{1}{4}$ , 28.8 acres in the  $SE\frac{1}{4} NW\frac{1}{4}$ , 3 acres in the  $NE\frac{1}{4} SW\frac{1}{4}$ , and 3.3 acres in the  $NW\frac{1}{4} SE\frac{1}{4}$ , Section 35, Township 32 South, Range 6 West, W. M., with a date of priority of September 1901, be and the same hereby is approved.

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, 1957 or within such extension of time as may be granted by the State Engineer for good cause shown.

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 pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Douglas County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 27th day of July 1956.

LEWIS A. STANLEY  
State Engineer