

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION)
OF BROOKS RESOURCES CORP. FOR AP-)
PROVAL OF CHANGES IN PLACE OF USE,)
POINT OF DIVERSION AND USE HERE-)
TOFORE MADE OF WATER)
-----)

ORDER APPROVING
TRANSFER NO. 3642

On April 25, 1977, an application was filed in the office of the Water Resources Director by Brooks Resources Corporation for approval of changes in place of use, point of diversion and use heretofore made of water from Deschutes River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 33007, Volume 25, State Record of Water Right Certificates, in the name of R. L. Coats, describes a right which includes the use of not to exceed 0.0175 cubic foot per second from Deschutes River for irrigation of a certain 0.7 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 17 South, Range 12 East, W.M., with a date of priority of October 10, 1903, allowed by decree of the court in the matter of the Determination of the Relative Rights to the Use of Waters of Deschutes River and its Tributaries tabulated at Volume 16, Page 184.

Water for the said right is diverted from a point located 1280 feet North and 1430 feet East from the Southwest Corner of Section 18, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 18.

The applicant herein, owner of record of the lands above described, with the approval of the contract purchaser of said lands, proposes to change the point of diversion and place of use for the entirety of said right and to change the use heretofore made for a part of said right and, without loss of priority, to divert not to exceed 0.0175 cubic foot per second at a point of diversion located 450 feet South and 250 feet East from the Northwest Corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, being within the said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 17 South, Range 12 East, W.M., being 0.005 cubic foot per second for domestic use in one residence during the irrigation season of each year, and 0.0125 cubic foot per second for irrigation of a certain 0.5 acre, all within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 17 (Don Corn).

Notice of the application, pursuant to ORS 540.510, was published in The Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of October 5, 12 and 19, 1977.

Mr. Bruce A. Estes, Watermaster, has filed a statement to the effect that

the proposed changes in place of use, point of diversion and use heretofore made may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use, point of diversion and use heretofore made, as described herein, without loss of priority, are 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, and shall not exceed 0.005 cubic foot per second for domestic use and/or 0.0125 cubic foot per second for irrigation.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices:

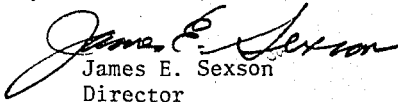
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to R. L. Coats and recorded at page 33007, Volume 25, 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 30th day of November, 1977.


James E. Sexson
Director

NOT USED

NOT USED