

Douglas County

IN THE MATTER OF APPROVAL)
OF APPLICATIONS NUMBERS)
R-21,151 and 21,152)

O R D E R
APPROVING APPLICATIONS

On September 7, 1945, two applications were filed in the office of the State Engineer by Ermel Briggs of Myrtle Creek, Oregon, which applications were given numbers R-21,151 and 21,152. R-21,151 is for a right to store 0.445 acre feet of water of an unnamed stream rising in Section 14, Township 30 South, Range 5 West, W. M. and tributary to the South Umpqua River within Section 26 said Township and Range. Application 21,152 is a secondary application for the appropriation of the water to be stored under application R-21,151, the direct flow of said unnamed stream for the irrigation of 2.0 acres of new lands and a supplemental supply for the irrigation of 3.5 acres of lands covered by a right evidenced by certificate of water right recorded in Volume 4, Page 3291, State Record of Water Right Certificates. Included in this application is 7.8 acres of land to be irrigated with water from the South Umpqua River.

On September 14, 1945, there was filed with the State Engineer a protest, signed by Hugh F. Pearson, against the approval of applications Nos. R-21,151 and 21,152 which reads as follows:

"I am protesting the above applications of Ermel Briggs, Gazley Route, Myrtle Creek, Oregon, on grounds that he has never used the water from this creek to any extent until we started to excavate for a log pond on this stream.

If his application is allowed and we are forced to stop operations, it will mean a heavy financial loss to us.

The water we use will not be diverted from the creek bed and will be as useful for irrigation as though it had never been used."

It appears that the protestant has never used the waters of the unnamed stream but on September 10, 1945, filed two applications with the State Engineers for permits. One for a permit to store 0.33 acre feet of water from said unnamed stream, designated in the records of the State Engineers as R-21,157 and the other for the appropriation of the stored water and natural flow for maintaining a small log pond and for use in operating a small sawmill. The protestant apparently owns no lands abutting South Umpqua River nor claims any right to the use of water from this stream.

On the afternoon of October 8, 1945, an examination was made of the unnamed stream and place of use of the water to be appropriated under the afore-said four applications.

At the time of examination of the proposed works and use of water to be constructed and appropriated under R-21,151 and 21,152 the applicant Mr. Ermel Briggs and his attorney, Spencer W. Yates, were present and at the time of the examination of the works and appropriation to be made under R-21,157 and 21,158 the applicant Elmer F. Pearson, his son, Mr. Briggs, and Mr. Yates were present.

The storage dam and reservoir described in application No. R-21,157 were practically completed. The reservoir will cover about 10,000 square feet. The material underlying the dam and reservoir contains a high percentage of clay. This dam is about 1/2 mile up stream from the dam and reservoir to be constructed under R-21,151. The reservoir is to be used to store logs; a small sawmill is to be constructed at the dam.

The unnamed stream has a well defined bed and bank and apparently some water flows throughout the year. The flow at the time of the inspection was being conveyed through a two inch pipe, which was flowing about 2/3 full.

It appears then there will be ample water during the late fall, winter, and early spring to fill the proposed reservoirs, and during this period there should be sufficient water for all rights now being initiated.

In conclusion it is the opinion that the water flowing in the unnamed stream is public waters or water in which the State Engineer has authority to issue permit for the use.

That the approval of application Nos. R-21,151 and 21,152 will not result in injury to existing rights.

NOW, THEREFORE, it hereby is ORDERED that upon the filing of satisfactory plans and specification as to the dam that applications R-21,151 and R-21,152 be approved.

Dated at Salem, Oregon, this 18th day of October 1945.


CHAS. E. STRICKLIN
State Engineer