

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
C & D LUMBER COMPANY FOR APPROVAL)
OF A CHANGE IN USE HERETOFORE MADE)
OF WATER FROM JUDD CREEK)

ORDER APPROVING
TRANSFER NO. 3557

On February 28, 1977, an application was filed in the office of the Water Resources Director by C & D Lumber Company for a change in use heretofore made of water under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 17336, Volume 14, State Record of Water Right Certificates, in the name of Roy Adsit, describes a right for the use of not to exceed 0.01 cubic foot per second from Judd Creek for domestic use and 0.013 cubic foot per second from Judd Creek for irrigation of 0.5 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, and 0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 30 South, Range 6 West, W.M., with a date of priority of November 18, 1946.

Water for the said right is diverted from a point located 850 feet South and 300 feet West from the Northeast corner of DLC No. 51, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 30 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made and, without loss of priority, to hereafter use the water appropriated for general mill use within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Township 30 South, Range 6 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Myrtle Creek Mail, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of May 5, 12, and 19, 1977.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed change in use heretofore made may be made without injury to

existing rights.

No objections having been filed and it appearing that the proposed change in 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 change in use of 0.013 cubic foot per second heretofore made, as described herein, from irrigation to general mill use within the irrigation season of each year, without loss of priority, is approved.

It is FURTHER ORDERED that the requested change in use heretofore made of 0.01 cubic foot per second for domestic use to general mill use, without loss of priority, is approved.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates 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.

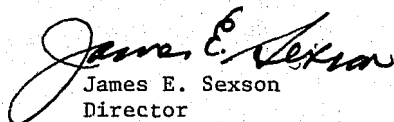
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1978.

The applicant herein, as owner of the lands above described and the water right appurtenant thereto, has authorized by affidavit, the cancelation of that portion of the right described by the certificate recorded at page 17336, Volume 14, State Record of Water Right Certificates, for the use of not to exceed 0.001 cubic foot per second from Judd Creek for poultry use.

It is FURTHER ORDERED that the said right to use water for poultry be, and the same is hereby, canceled.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Roy Adsit and recorded at page 17336, Volume 14, 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 3rd day of August, 1977.


James E. Sexson
Director