

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
WILLIAM R. THOMPSON FOR APPROVAL OF)
A CHANGE IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER FROM)
MITCHELL CREEK)

ORDER APPROVING
TRANSFER NO. T-68

On August 23, 1965, William R. Thompson filed an application in the office of the State Engineer for approval of changes in place of use and point of diversion of water from Mitchell Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Joseph Mosthaf and recorded at page 4998, Volume 5, State Record of Water Right Certificates, confirms a right to use of not to exceed 0.06 cubic foot per second from Mitchell Creek for domestic use and irrigation of 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 30 South, Range 5 West, W.M., with a date of priority of July 2, 1921. These lands are irrigated from a point of diversion located 36.54 chains South and 52.79 chains West from the Northeast corner of Section 31, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 30 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate a certain other 2.0 acre tract, East of Mitchell Creek in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 30 South, Range 5 West, W.M. from a point of diversion located 790 feet South and 300 feet West from the North quarter corner of Section 31, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 31.

Notice of the application, pursuant to ORS 540.510, was published in The News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of May 25, June 1 and 8, 1970.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect

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

No objections having been filed and it appearing that the proposed changes in place of use and point of diversion 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 and point of diversion 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 0.03 cubic foot per second.

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.

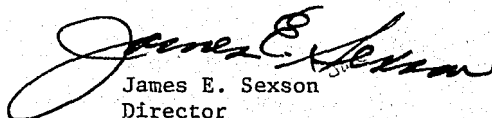
It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

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 4998, Volume 5, State Record of Water Right Certificates, for the use of not to exceed 0.03 cubic foot per second from Mitchell Creek for domestic use.

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

It is FURTHER ORDERED that the certificate of water right heretofore issued to Joseph Mosthaf and recorded at page 4998, Volume 5, 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 9th day of August, 1977.


James E. Sexson
Director