

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF JAY B. MOORE FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
AND PLACE OF USE OF WATER FROM)
COW CREEK.)

O R D E R

On March 19, 1951 Jay B. Moore of Star Route, Glendale, Oregon filed an application for the approval of a change in point of diversion and place of use of water from Cow Creek, pursuant to the provisions of Section 116-606, O. C. L. A.

Certificate of water right issued to Smith Brothers and recorded at page 8601, Volume 8, State Record of Water Right Certificates, confirms a right to the use of the waters of Cow Creek for the irrigation of 20 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 32 South, Range 5 West, W. M., with a date of priority of January 9, 1922. The above described lands are irrigated through the Smith ditch, the point of diversion of said ditch being located 80 feet north and 990 feet west from the southeast 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 applicant herein, owner of 11.8 acres of the above described land, to-wit: 2.1 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.7 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 32 South, Range 5 West, W. M., proposes to transfer the water rights appurtenant thereto, without loss of priority, to 10.3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 32 South, Range 5 West, W. M., and to irrigate the lands to which it is proposed to transfer the water by means of a pumping plant, the point

of diversion of said pumping plant to be located 500 feet south and 1050 feet west from the north quarter corner of Section 30, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 30, Township 32 South, Range 5 West, W. M.

Notice of filing the application was prepared by the State Engineer setting forth a time and place certain for hearing objections to the proposed change in point of diversion and place of use of water, if any there were, namely: at the county court house in Roseburg, Oregon on May 25, 1951 at 10:00 o'clock a.m. The notice was published for a period of at least three weeks and not less than one publication each week in the Roseburg News Review, a newspaper printed and having general circulation in Douglas County, being the issues of March 30 and April 6 and 13, 1951. The date fixed for the hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. Tom R. Pearce, Watermaster of District No. 16, has filed a report to the effect that the proposed change in point of diversion and place of use 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 and place of use 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 place of use of water from Cow Creek be and the same hereby is approved, and that the water right hereinbefore described as appurtenant to 2.1 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.7 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 32 South, Range 5 West, W. M., with a date of priority of January 9, 1922, be severed therefrom and simultaneously and without loss of priority transferred to 10.3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 32 South, Range 5 West, W. M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Cow Creek, to-wit:

From a point located 80 feet north and 990 feet west from the southeast 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 point to be located 500 feet south and 1050 feet west from the north quarter corner of Section 30, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 30, Township 32 South, Range 5 West, W. M.,

for the irrigation of the land to which the water is transferred hereby, be and the same is approved.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use upon the lands to which the water hereby is transferred, a certificate of water right shall be issued to Jay B. Moore, or his successor in interest, to the extent to which the water has been applied beneficially, and Certificate of Water Right heretofore issued to Smith Brothers and recorded at page 8601, Volume 8, State Record of Water Right Certificates, shall be cancelled.

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 be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled:

That the location of the pumping plant and channel to convey the water to the pump and the plans of the headgate and weir or measuring device be approved, before the beginning

of construction work, by the watermaster of Douglas County, Oregon, and that the headgate, weir or measuring device be constructed under the general supervision of said watermaster.

It is FURTHER ORDERED that complete application of water to beneficial use upon the land to which the water is transferred hereby shall be made on or before October 1, 1952 or within such extension of time as may be granted by the State Engineer for good cause shown.

Dated at Salem, Oregon this 28th day of May 1951.


CHAS. E. STRICKLIN
State Engineer

*Noted on Cert. 8601.
Certs. 20236 and 20237
supercedes and confirms
this order.*