

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICA=)
TION OF ROBERT SANDERS FOR THE)
APPROVAL OF A CHANGE IN PLACE)
OF USE AND POINT OF DIVERSION)
OF WATER FROM COW CREEK)

ORDER APPROVING
TRANSFER NO. 2546

On May 18, 1972, Robert Sanders filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Oscar Head and recorded at page 37361, Volume 29, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.66 cubic foot per second from Cow Creek for the irrigation of, among other lands, 5.6 acres in NE¼ SW¼ and 3.1 acres in NW¼ SW¼, 24.8 acres in SE¼ SW¼, Section 27, and 2.2 acres in NW¼ NE¼, 2.8 acres in SW¼ NE¼, and 0.2 acre in NE¼ NW¼ and 0.6 acre in SE¼ NW¼, Section 34, Township 31 South, Range 4 West, W.M., with a date of priority of November 2, 1927.

These lands are irrigated from points of diversion located 1400 feet West and 1930 feet North of the South ¼ corner of Section 27, being within the NW¼ SW¼, Section 27; 950 feet West and 1680 feet North of the South ¼ corner of Section 27, being within the NE¼ SW¼, Section 27; 450 feet West and 1270 feet North of the South ¼ corner of Section 27, being within the SE¼ SW¼, Section 27; 940 feet West and 170 feet North of the South ¼ corner of Section 27, being within the SE¼ SW¼, Section 27; 230 feet East and 1620 feet South of the South ¼ corner of Section 27, being within the SW¼ NE¼, Section 34, all being in Township 31 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use for the irrigation of 14.5 acres of these lands to the irrigation of 14.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 31 South, Range 4 West, W.M., and to irrigate this 14.5 acres together with the balance of the above lands from a point of diversion to be located 350 feet North and 610 feet West from the South $\frac{1}{4}$ corner of Section 27, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 31 South, Range 4 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Roseburg, Oregon, on May 9, 1973 at 9:30 a.m. The notice was published in Myrtle Creek Mail, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of March 15, 22, and 29, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a report to the effect that the proposed change in point of diversion 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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 5.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 3.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, and 2.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.6 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 31 South, Range 4 West, W.M., with a date of priority of November 2, 1927, be severed therefrom and simultaneously and without loss of priority

transferred to 14.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 31 South, Range 4 West, W.M.

It is FURTHER ORDERED that the changes in points of diversion of water from Cow Creek, to-wit:

From points located 1400 feet West and 1930 feet North of the South $\frac{1}{4}$ corner of Section 27, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; 950 feet West and 1680 feet North of the South $\frac{1}{4}$ corner of Section 27, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; 450 feet West and 1270 feet North of the South $\frac{1}{4}$ corner of Section 27, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; 940 feet West and 170 feet North of the South $\frac{1}{4}$ corner of Section 27, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; 230 feet East and 1620 feet South of the South $\frac{1}{4}$ corner of Section 27, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, all being in Township 31 South, Range 4 West, W.M.

To a point to be located 350 feet North and 610 feet West from the South $\frac{1}{4}$ corner of Section 27, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 31 South, Range 4 West, W.M.

for the irrigation of 24.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, and 14.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 31 South, Range 4 West, W.M., with a date of priority of November 2, 1927, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1973.

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, and shall not exceed 0.49 cubic feet 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.

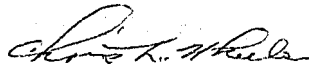
That the diversion works shall include an inline flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 certificate of water right heretofore issued to Oscar Head and recorded at page 37361, Volume 29, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use and completion of the authorized changes in points of diversion, a certificate of water right shall be issued to Robert Sanders confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 8th day of June, 1973.



CHRIS L. WHEELER
State Engineer