

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF NORMAN GOULD FOR THE APPROVAL)
OF ESTABLISHING AN ADDITIONAL POINT)
OF DIVERSION OF WATER FROM BRITT)
CREEK)

ORDER APPROVING
TRANSFER NO. 3146

On November 14, 1974, Norman Gould filed an application in the office of the State Engineer for the approval of establishing an additional point of diversion of water from Britt Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to G. W. Vaughn, W. A. Smith and A. B. Smith and recorded at page 9861, Volume 9, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of the waters of Britt Creek for domestic use and the irrigation among other lands 10.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 26 South, Range 3 West, W. M., with a date of priority of February 27, 1930. The point of diversion is located 400 feet North and 50 feet East from the South quarter-corner of Section 10, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 26 South, Range 3 West, W. M.

The applicant herein, contract purchaser of the land above described, proposes to establish a point of diversion 190 feet North and 60 feet East from the South quarter-corner of Section 10, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 26 South, Range 3 West, W. M., and to maintain the original point of diversion for use when the supply at the proposed point of diversion is not adequate to satisfy the right.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for change in point of diversion of less than one-fourth mile, and where there are no intervening diversions between the old diversion point and the proposed new diversion point.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a report to the effect that the proposed additional point of diversion may be established without injury to existing rights.

No objections having been filed and it appearing that the proposed point of diversion may be established without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that an additional point of diversion to be located as follows:

190 feet North and 60 feet East from the South quarter-corner of Section 10, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 26 South, Range 3 West, W. M.,

and may maintain the original point of diversion for use when the supply at the proposed point of diversion is not adequate to satisfy the right located as follows:

400 feet North and 50 feet East from the South quarter-corner of Section 10, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 26 South, Range 3 West, W. M.,

for domestic use and irrigation of 10.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 26 South, Range 3 West, W. M., with a date of priority of February 27, 1930, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the establishment of the additional point of diversion of water made on or before October 1, 1975.

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 previously established point of diversion and shall not exceed 0.125 cubic foot per second.

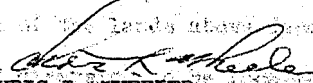
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificate of water right heretofore issued to G. W. Vaughn, W. A. Smith and A. B. Smith and recorded at page 9861, Volume 9, 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 completion of the authorized point of diversion a certificate of water right shall be issued to Norman Gould confirming the additional point of diversion.

Dated at Salem, Oregon, this 24th day of February, 1975.


CHRIS L. WHEELER
State Engineer