

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION
OF HOWARD D. AND LAURA J. VANDER
VELDEN FOR THE APPROVAL OF A CHANGE
IN POINT OF DIVERSION OF WATER FROM
NORTH MYRTLE CREEK

ORDER APPROVING
TRANSFER NO. 3063

On June 13, 1974, Howard D. and Laura J. Vander Velden filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from North Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to North Myrtle Irrigation Company and recorded at page 37360, Volume 29, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.654 cubic feet per second of water from North Myrtle Creek for the irrigation of, among other lands, 2.37 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 29 South, Range 5 West, W.M., with a date of priority of September 25, 1920. These lands are irrigated from a point of diversion located 850 feet North and 900 feet East from the South quarter-corner of Section 22, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 29 South, Range 5 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 720 feet North and 784 feet East from the South quarter-corner of Section 22, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 29 South, Range 5 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said Section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. 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 point of diversion of water from North Myrtle Creek, to wit:

From a point located 850 feet North and 900 feet East from the South quarter-corner of Section 22, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 29 South, Range 5 West, W.M.

To a point to be located 720 feet North and 784 feet East from the South quarter-corner of Section 22, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 29 South, Range 5 West, W.M.

for the irrigation of 2.37 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 29 South, Range 5 West, W.M., with a date of priority of September 25, 1920, 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, 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 old point of diversion, 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 certificate of water right heretofore issued to North Myrtle Irrigation Company and recorded at page 37360, 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 completion of the authorized change in point of diversion, a certificate of water right shall be issued to Howard D. and Laura J. Vander Velden confirming the change in point of diversion.

Dated at Salem, Oregon, this 25th day of February, 1975.


CHRIS L. WHEELER
State Engineer