

BEFORE THE STATE ENGINEER OF OREGON

Lane County

IN THE MATTER OF THE APPLICATION)
 OF CALEF BROS., EDWIN E. CONE AND)
 ANNA BOYD REED FOR THE APPROVAL)
 OF A CHANGE IN POINT OF DIVERSION)
 OF WATER FROM MCKENZIE RIVER)
 -----)

ORDER APPROVING
TRANSFER NO. C-146

On April 26, 1963, Calef Brothers, Edwin E. Cone and Anna Boyd Reed of Eugene, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from McKenzie River, pursuant to the provisions of ORS 540.510 to 540.530.

The water right involved is for the appropriation of not to exceed 5.25 cubic feet per second of water from the McKenzie River with a date of priority of February 5, 1915, at a point of diversion located 315 feet north and 1750 feet east from the southeast corner of the Pressley Comegys D.L.C. No. 80, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 17 South, Range 2 West, W. M., as projected within the Lucinda Comegys D. L.C. No. 81, for irrigation of:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Legal Subdivision</u>	<u>No. Acres</u>			
17 S.	3 W.	16	SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Bogart DLC 80	14.6			
			NW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Bogart DLC 80	32.3			
			Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	0.3			
			NW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Bogart DLC 71	2.3			
			Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	1.5			
			SW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Bogart DLC 71	12.2			
			SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Armitage DLC 43	0.1			
			SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Armitage DLC 43	1.2			
			SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Armitage DLC 43	0.6			
			17	17	17	SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Bogart DLC 80	1.8
						NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Bogart DLC 80	3.7
						NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Bogart DLC 71	0.3
						SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Bogart DLC 71	0.9
			21	21	21	NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Armitage DLC 43	12.0
Lot 3 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)	3.0						
NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Armitage DLC 43	32.0						
Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)	6.5						
Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)	40.0						
Lot 3 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)	32.8						

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Legal Subdivision</u>	<u>No. Acres</u>
17 S.	3 W.	21	NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Armitage DLC 43	7.2
			Lot 2 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)	0.5
			Lot 2 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)	2.4
			Lot 4 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)	3.3
			Lot 5 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)	1.6
		22	NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Stevens DLC 46	4.8
			NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Stevens DLC 46	1.7
			Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)	0.4
			Lot 1 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)	27.0
			SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Stevens DLC 46	10.0
			SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Stevens DLC 46	27.6
			NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Stevens DLC 46	37.1
			NW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Stevens DLC 46	9.9
			Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	9.8
			Lot 3 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	27.4
			SW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Stevens DLC 46	8.0
			SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Stevens DLC 46	26.0
			Lot 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)	0.4
			NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Stevens DLC 46	8.9
SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Stevens DLC 46	8.0			
27	NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.3		

This right was acquired under the terms of permit No. 3640 in the name of McKenzie Irrigation Association who completed and filed satisfactory proof of completion of the appropriation described above with the State Engineer on November 18, 1963. The balance of the right granted under the terms of permit No. 3640 is not involved herein.

The applicants herein, owners of the lands above described, propose to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 2450 feet north and 10 feet west from the south-east corner of Section 22, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 22, Township 17 South, Range 3 West, W. M., as projected within the W. M. Stevens DLC No. 46.

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 Eugene, Oregon, on January 28, 1964, at 9:30 o'clock a.m. The notice was published in the Eugene Register-Guard, a newspaper printed and having general circulation in Lane County, Oregon, for a period of three weeks

in the issues of December 5, 12 and 19, 1963. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Floyd L. Siegmund, Watermaster of District No. 2, 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 of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from McKenzie River, to-wit:

From a point located 315 feet north and 1750 feet east from the southeast corner of the Pressley Comegys D.L. C. No. 80, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 17 South, Range 2 West, W. M., as projected within the Lucinda Comegys D.L.C. No. 81

To a point to be located 2450 feet north and 10 feet west from the southeast corner of Section 22, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 22, Township 17 South, Range 3 West, W. M., as projected within the W. M. Stevens DLC No. 46,

for the irrigation of the lands described in paragraph 2 hereof, with a date of priority of February 5, 1915, 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, 1965, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

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 and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 upon receipt of proof satisfactory to the State Engineer of completion of the change in point of diversion, certificate of water right shall be issued to Calef Brothers, et al, confirming said change in point of diversion and the application of water to beneficial use under the terms of permit No. 3640 for irrigation of the above described lands.

Dated at Salem, Oregon, this 27th day of February, 1964.

Noted on records

App. # 4100



CHRIS L. WHEELER
State Engineer