

Douglas County

IN THE MATTER OF THE APPLICATION)
 OF RUTH D. JACOBSEN FOR THE APPROVAL)
 OF A CHANGE IN POINT OF DIVERSION OF)
 WATER FROM NEWTON CREEK)

ORDER APPROVING
TRANSFER NO. 3502

On December 27, 1966, Ruth D. Jacobsen filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Newton Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 28836, Volume 21, State Record of Water Right Certificates, in the name of Frank H. Jacobsen, describes an existing right of record which includes the use of not to exceed 0.007 cubic foot per second from Newton Creek for irrigation of 0.2 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.2 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 27 South, Range 6 West, W.M., with a date of priority of October 12, 1959.

Water for the said right is diverted from a point located South 9 degrees, 20 minutes West, 1455 feet from the North quarter-corner of Section 14, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 27 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and to divert water for the said lands from a point located 2680 feet South and 100 feet East from the North quarter-corner of Section 14, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 27 South, Range 6 West, W.M.

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

No objection 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 requested change in point of diversion from Newton Creek described herein, without loss of priority, is approved.

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 0.007 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 head-gates 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.

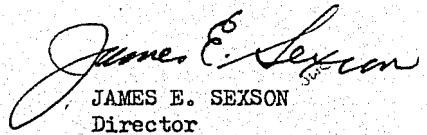
It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

The applicant has authorized, by affidavit, cancelation of a portion of the right described by the certificate recorded at Page 28836, Volume 21, State Record of Water Right Certificates.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Frank H. Jacobsen and recorded at Page 28836, Volume 21, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding or the proceeding for cancelation of a portion of the right described by said certificate, and upon proof satisfactory to the Water Resources Director of

completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to Ruth D. Jacobsen.

Dated at Salem, Oregon, this 14th day of January, 1977.


JAMES E. SEXSON
Director