

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION  
OF ROXANA R. ROBERTSON FOR THE  
APPROVAL OF A CHANGE IN POINT OF  
DIVERSION OF WATER FROM CALAPOOYA  
CREEK

ORDER APPROVING  
TRANSFER NO. 2833

On June 12, 1973, Roxana R. Robertson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Calapooya Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Mary K. Forster and recorded at page 41917, Volume 33, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.87 cubic foot per second of water from Calapooya Creek for the irrigation of, among other lands, 6.7 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.9 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.7 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 0.01 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 15, Township 25 South, Range 6 West, W.M., with a date of priority of May 3, 1955. These lands are irrigated from a point of diversion located South 26<sup>0</sup> 30' East, 1350 feet from the Southwest corner of the North Extension of Stephens D.L.C. No. 50, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 15, Township 25 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 883 feet North and 1705 feet West from the Southeast corner of Section 15, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 15, Township 25 South, Range 6 West, W.M.

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 a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

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.

Stults, Jayne, Murphy & Anderson, attorneys for and on behalf of Paulus M. McKee and the Estate of Earl D. Stonerod, Trustees, who are the vendors under a sales contract, have submitted written approval of the proposed change in point of diversion.

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 Calapooya Creek, to wit:

From a point located South  $26^{\circ} 30'$  East, 1350 feet from the Southwest corner of the North extension of Stephens D.L.C. No. 50, being within the  $SW\frac{1}{4} SE\frac{1}{4}$  of Section 15, Township 25 South, Range 6 West, W.M.

To a point to be located 883 feet North and 1705 feet West from the Southeast corner of Section 15, being within the  $SW\frac{1}{4} SE\frac{1}{4}$  of Section 15, Township 25 South, Range 6 West, W.M.

for the irrigation of 6.7 acres in  $NE\frac{1}{4} SW\frac{1}{4}$ , 1.9 acres in  $SE\frac{1}{4} SW\frac{1}{4}$ , 0.7 acre in  $NW\frac{1}{4} SE\frac{1}{4}$ , and 0.01 acre in  $SW\frac{1}{4} SE\frac{1}{4}$ , Section 15, Township 25 South, Range 6 West, W.M., with a date of priority of May 3, 1955, 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, 1976.

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 0.12 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 certificate of water right heretofore issued to Mary K. Forster and recorded at page 41917, Volume 33, 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 Roxana R. Robertson confirming the change in point of diversion.

Dated at Salem, Oregon, this 2nd day of April, 1975.

  
CHRIS L. WHEELER  
State Engineer