

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

TILLAMOOK COUNTY

IN THE MATTER OF THE APPLICATION)
OF OREGON WILDLIFE COMMISSION)
FOR APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 2996

On March 15, 1974, an application was filed in the office of the Water Resources Director by Oregon Wildlife Commission for approval of a change in point of diversion from Cedar Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 38594, Volume 30, State Record of Water Right Certificates, in the name of Oregon State Game Commission, describes a right for the use of not to exceed 4.0 cubic feet per second from Cedar Creek for fish rearing in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 4 South, Range 10 West, W.M., with a date of priority of April 23, 1969.

The authorized point of diversion for the said right is located 1100 feet South and 770 feet West from the Northeast Corner of Section 24, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 24.

The applicant herein, owner of the lands above described, proposes to change the point of diversion of record therefrom, without loss of priority, to the existing point of diversion located 795 feet South and 117 feet West from the Northeast Corner of Section 24, being within the said NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24.

Mr. Clifton R. King, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion, as 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 under the subject right.

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:

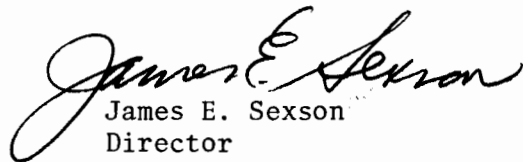
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Oregon State Game Commission and recorded at page 38594, Volume 30, State Record of Water Right Certificates, is canceled; 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 the applicant herein.

Dated at Salem, Oregon this 22nd day of September, 1978.


James E. Sexson
Director