

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION }
OF ERNEST A. AND LILLIE L. WAGNER }
FOR THE APPROVAL OF A CHANGE IN }
POINT OF DIVERSION OF WATER FROM }
PORTER (WOODS) CREEK }

ORDER APPROVING
TRANSFER NO. 3287

On July 29, 1975, Ernest A. and Lillie L. Wagner filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Porter (Woods) Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 13455, Volume 11, State Record of Water Right Certificates, in the name of Ladd and Bush, describes an existing right of record for the use of not to exceed 0.37 cubic foot per second from Porter (Woods) Creek for irrigation of 5.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, 2.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, 4.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 and 16.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 30 South, Range 4 West, W.M., with a date of priority of October 11, 1934.

Water for the said right is diverted from a point located 690 feet South and 575 feet West from the East quarter-corner of Section 3, being within Lot 9 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, Township 30 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion for the said lands to a point located 100 feet North and 140 feet West from the Southeast corner of Section 3, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 30 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Roseburg News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of November 26, December 3 and 10, 1976.

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 Porter (Woods) 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 0.37 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:

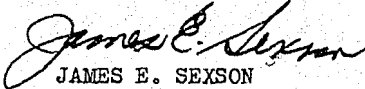
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that the certificate of water right heretofore issued to Ladd and Bush and recorded at Page 13455, Volume 11, 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 Ernest A. and Lillie L. Wagner.

Dated at Salem, Oregon, this 20th day of January, 1977.


JAMES E. SEXSON
Director