

Douglas County

IN THE MATTER OF THE APPLICATION)
 OF MRS. F. A. MOAN FOR THE)
 APPROVAL OF A CHANGE IN PLACE OF)
 USE AND POINT OF DIVERSION OF)
 WATER FROM LOUIS CREEK.)
 -----)

O R D E R
APPROVING APPLICATION

On October 23, 1959, Mrs. F. A. Moan of Myrtle Creek, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Louis Creek, tributary of South Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Earl Beebe and Frank Beebe and recorded at page 7918, Volume 8, State Record of Water Right Certificates, confirms a right under Permit No. 6647 to the use of the waters of Louis Creek, tributary of South Myrtle Creek for domestic use and the irrigation of 25 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 20 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 35 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 29 South, Range 4 West, W. M., with a date of priority of December 29, 1924. These lands are irrigated through an unnamed ditch, the point of diversion of said ditch being located north 8 degrees west 619.5 feet from the northeast corner of the B. L. Stevens Donation Land Claim No. 38, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 29 South, Range 4 West, W. M.

The applicant herein, owner of the lands above described, proposes to transfer the water right appurtenant to 10 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 27.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 29 South, Range 4 West, W. M., without loss of priority, to 10.3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 27.2 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 29 South, Range 4 West, W. M., and to irrigate said land together with the remaining 42.5 acres by means of a pumping plant, the point of diversion of said pumping plant to be located 1290 feet east and 605 feet south from the northwest corner of Section 23, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 23, Township 29 South, Range 4 West, W. M.

The Roseburg National Farm Loan Association of Roseburg, Oregon, holder of a mortgage of the property involved, has indicated in writing its approval of the proposed change in place of use and point of diversion of water.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in place of use of water only or a change in point of diversion of water where the distance between the present and proposed points of diversion is less than one-fourth mile and there are no intervening diversions.

No objections having been filed and it appearing that the proposed change in place of use and 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 place of use of water be and the same is approved and that the water right hereinbefore described as appurtenant to 10 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 27.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 29 South, Range 4 West, W. M., with a date of priority of December 29, 1924, be severed therefrom and simultaneously and without loss of priority transferred to 10.3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 27.2 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 29 South, Range 4 West, W. M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Louis Creek, to-wit:

From a point located north 8 degrees west 619.5 feet from the northeast corner of the B. L. Stevens Donation Land Claim No. 38, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 29 South, Range 4 West, W. M.,

To a point to be located 1290 feet east and 605 feet south from the northwest corner of Section 23, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 23, Township 29 South, Range 4 West, W. M.,

for the irrigation of 35.3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 27.2 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 7.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township

29 South, Range 4 West, W. M., and domestic use, with a date of priority of December 29, 1924, be and the same hereby is approved.

It is FURTHER ORDERED that the change in place of use and point of diversion of water shall be completed on or before October 1, 1960, 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.

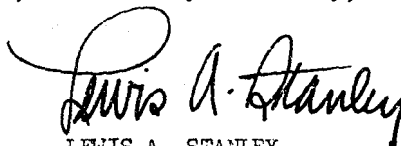
That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Douglas County, Oregon, 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 the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Mrs. F. A. Moan, or her successors in interest, to the extent to which the water has been applied beneficially, and the certificate of water right heretofore issued to Earl Beebe and Frank Beebe and recorded at page 7918, Volume 8, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 5th day of January, 1960.

*Noted on Cert. #7918
and App. # 9966*



LEWIS A. STANLEY
State Engineer