

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF MARION A. AND BERNICE N. HOWELL)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
NORTH MYRTLE CREEK)
-----)

O R D E R

APPROVING APPLICATION

On August 21, 1962, Marion A. and Bernice N. Howell of Myrtle Creek, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from North Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to North Myrtle Irrigation Company and recorded at page 7566, Volume 7, State Record of Water Right Certificates, confirms a right under Permit No. 4803 to the use of the water of North Myrtle Creek for the irrigation of, among other lands, 20 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 29 South, Range 5 West, W. M., with a date of priority of September 25, 1920. These lands are irrigated through the North Myrtle Creek Irrigation Ditch, the point of diversion of said ditch being located 864 feet North and 30 feet West from the southwest corner of H. Jones D. L. C. No. 48, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 29 South, Range 5 West, W. M.

The applicant herein, owner of 16 acres of the lands above described, proposes to irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located 850 feet North and 900 feet East from the S $\frac{1}{4}$ corner of Section 22, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 22, Township 29 South, Range 5 West, W. M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Roseburg, Oregon, on January 30, 1963, at 9:30

o'clock a.m. The notice was published in The Mail, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of December 6, 13 and 20, 1962. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. C. O. Bartels, Watermaster of District No. 15, has filed a report 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 proposed change in point of diversion of water from North Myrtle Creek, to-wit:

From a point located 864 feet North and 30 feet West from the southwest corner of H. Jones D. L. C. No. 48, and being within the NE $\frac{1}{2}$ NW $\frac{1}{2}$, Section 23, Township 29 South, Range 5 West, W. M.

To a point to be located 850 feet North and 900 feet East from the S $\frac{1}{2}$ corner of Section 22, and being within the SW $\frac{1}{2}$ SE $\frac{1}{2}$, said Section 22, Township 29 South, Range 5 West, W. M.

for the irrigation of 16 acres in the SW $\frac{1}{2}$ SE $\frac{1}{2}$, Section 22, Township 29 South, Range 5 West, W. M., with a date of priority of September 25, 1920, be and the same hereby 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, 1964, 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.

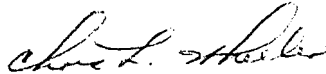
That the plans of the weir or other suitable device be approved by the watermaster of Douglas County, Oregon before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 6th day of February, 1963.

Notations made on drawings:

App. # 7550

Ord. # 7566



CHRIS L. WHEELER
State Engineer