

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF GERALD S. AND MARY LEE BRADY)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
COW CREEK)
-----)

ORDER APPROVING
TRANSFER NO. 2412

On July 2, 1970, Gerald S. and Mary Lee Brady filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Oscar Head and recorded at page 12315, Volume 11, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.82 cubic foot per second of water from Cow Creek for the irrigation of, among other lands, 0.4 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, 4.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 31 South, Range 4 West, W.M., with a date of priority of November 2, 1927. These lands are irrigated from a point of diversion located S 73° E 625 feet from the W $\frac{1}{4}$ corner of Section 27 being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 31 South, Range 4 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 N 1° W 125 feet from the W $\frac{1}{4}$ corner of Section 27 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 31 South, Range 4 West, W.M.

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 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 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 Cow Creek, to-wit:

From a point located S 73° E 625 feet from the W¼ corner of Section 27 being within the NW¼ SW¼ of Section 27, Township 31 South, Range 4 West, W.M.

To a point to be located N 1° W 125 feet from the W¼ corner of Section 27 being within the SE¼ NE¼ of Section 27, Township 31 South, Range 4 West, W.M.

for the irrigation of 0.4 acre in SW¼ NW¼, 2.4 acres in NW¼ SW¼, Section 27, 4.2 acres in SE¼ NE¼ and 3.8 acres in NE¼ SE¼, Section 28, Township 31 South, Range 4 West, W.M., with a date of priority of November 2, 1927, 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, 1971.

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 0.14 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.

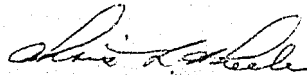
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 certificate of water right heretofore issued to Oscar Head and recorded at page 12315, Volume 11, 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 Gerald S. and Mary Lee Brady confirming the change in point of diversion.

Dated at Salem, Oregon, this 20th day of January, 1971.



CHRIS L. WHEELER
State Engineer