

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF )  
DOUGLAS COUNTY WATER RESOURCES )  
SURVEY FOR APPROVAL OF CHANGES IN )  
USE, PLACE OF USE AND POINTS OF )  
DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER 5442

On March 5, 1984, an application was filed in the office of the Water Resources Director by Douglas County Water Resources Survey for approval of changes in use, place of use and points of diversion of water from Cow Creek and two unnamed streams, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 47693, Volume 40, State Record of Water Right Certificates, in the names of Gerald S. and Mary Lee Brady, describes a right which includes the use of not to exceed 0.48 cubic foot per second from Cow Creek and two unnamed streams, for irrigation of a certain 0.4 acre in NW 1/4 NW 1/4, 7.2 acres in SW 1/4 NW 1/4, Section 27 and 2.9 acres SE 1/4 NE 1/4, Section 28 from East Stream; 4.4 acres in SE 1/4 NE 1/4, Section 28 from West Stream; 2.0 acres in SE 1/4 NE 1/4, 16.0 acres in NE 1/4 SE 1/4 and 3.7 acres in NW 1/4 SE 1/4, Section 28 from Cow Creek, all in Township 31 South, Range 4 West, WM, with a date of priority of July 2, 1970.

Water for the said right is diverted from Cow Creek from a point located 2820 feet North and 2590 feet East from the South Quarter Corner of Section 28, being within the SE 1/4 NE 1/4 of Section 28; from the East Stream from a point located 620 feet North and 740 feet East from the Southeast Corner of NE 1/4 NE 1/4 of Section 28, being within the NW 1/4 NW 1/4 of Section 27; from the West Stream from a point located 155 feet North and 475 feet West from the Southeast Corner of NE 1/4 NE 1/4 of Section 28, being within the NE 1/4 NE 1/4 of Section 28, all in Township 31 South, Range 4 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion from Cow Creek to four points located 2600 feet North and 1810 feet West from the Southeast Corner of Section 28, being within the NW 1/4 SE 1/4, Section 28, Township 31 South, Range 4 West, WM; 2940 feet North and 710 feet West from the Southeast Corner of Section 28, being within the SE 1/4 NE 1/4, Section 28, Township 31 South, Range 4 West, WM; 1540 feet North and 2050 feet East from the Southwest Corner of Section 27, being within the NE 1/4 SW 1/4, Section 27, Township 31 South, Range 4 West, WM; 3440 feet South and 6475 feet East from the Northwest Corner of Section 34, being within the NW 1/4 SW 1/4, Section 35, Township 31 South, Range 4 West, WM, and to change the use heretofore made to road construction in SW 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 NW 1/4, NW 1/4 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4, Section 27; NE 1/4 NE 1/4, SW 1/4 NE 1/4, SE 1/4 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, Section 28; NE 1/4 NE 1/4, SE 1/4 NE 1/4, SE 1/4 SE 1/4, Section 34; SW 1/4 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4, SW 1/4 SW 1/4, Section 35, rock crushing and concrete making in SW 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4, NW 1/4 SE 1/4, Section 28, all in Township 31 South, Range 4 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of June 20, 27 and July 4, 1984.

Gary L. Ball, Watermaster, has filed a statement to the effect that the proposed changes in use, place of use and points of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in use, place of use and points of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in use, place of use and points of diversion are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water used for the proposed purposes shall not exceed 0.48 cubic foot per second, and shall be used only during the irrigation season of each year.

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:

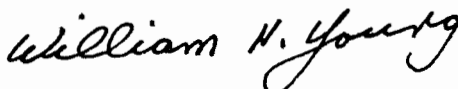
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 water used for the proposed purposes on or before October 1, 1985.

It is FURTHER ORDERED that the certificate recorded at page 47693, Volume 40, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; 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 13th day of August, 1984.



WILLIAM H. YOUNG<sup>5,26</sup>  
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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