

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF GEORGE CHURCHILL FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM ELK CREEK)
-----)

ORDER APPROVING
TRANSFER NO. 2395

On June 8, 1970, George Churchill filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Elk Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to George Churchill and recorded at page 22495, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.74 cubic foot per second of water from Elk Creek for the irrigation of, among other lands, 1.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 36.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.3 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 2.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 22 South, Range 5 West, W.M., with a date of priority of August 2, 1950. These lands are irrigated from a point of diversion located 1625 feet south and 250 feet west from the N $\frac{1}{4}$ corner of Section 18 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 22 South, Range 5 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 2180 feet south and 1640 feet east from the N $\frac{1}{4}$ corner of Section 18 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 22 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 27, 1971, at 9:30 a.m. The notice was published in The Drain Enterprise, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of December 3, 10, and 17, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 Elk Creek, to-wit:

From a point located 1625 feet south and 250 feet west from the NW¹/₄ corner of Section 18 being within the SE¹/₄ NW¹/₄ of Section 18, Township 22 South, Range 5 West, W.M.

To a point to be located 2180 feet south and 1640 feet east from the NW¹/₄ corner of Section 18 being within the SE¹/₄ NE¹/₄ of Section 18, Township 22 South, Range 5 West, W.M.

for the irrigation of 1.4 acres in NE¹/₄ NE¹/₄, 3.5 acres in NW¹/₄ NE¹/₄, 36.6 acres in SW¹/₄ NE¹/₄, 12.4 acres in SE¹/₄ NE¹/₄, 0.3 acre in NE¹/₄ NW¹/₄ and 2.6 acres in SE¹/₄ NW¹/₄, Section 18, Township 22 South, Range 5 West, W.M., with a date of priority of August 2, 1950, 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 0.71 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.

The right for the appropriation of not to exceed 0.03 cubic foot per second of water from Elk Creek for irrigation of 0.1 acre in NE¼ NW¼ and 2.4 acres in SE¼ NW¼, Section 18, Township 22 South, Range 5 West, W.M., with a date of priority of August 2, 1950, was canceled by an order of the State Engineer entered December 1, 1970.

It is FURTHER ORDERED that certificate of water right heretofore issued to George Churchill and recorded at page 22495, Volume 16, State Record of Water Right Certificates, is canceled 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 George Churchill confirming the change in point of diversion.

Dated at Salem, Oregon, this 4th day of February, 1971.


CHRIS L. WHEELER
State Engineer 4