

BEFORE THE STATE ENGINEER OF OREGON

Coos County

IN THE MATTER OF THE APPLICATION)
OF SCHOOL DISTRICT NO. 9 FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION AND PLACE OF USE OF)
WATER FROM AN UNNAMED CREEK)

ORDER APPROVING
TRANSFER NO. 2361

On April 17, 1970, School District No. 9 filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from an unnamed creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to School District No. 36 and recorded at page 21693, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.06 cubic foot per second of water from an unnamed creek for domestic supply for a schoolhouse, janitors residence and teachers residence in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 25 South, Range 12 West, W.M., with a date of priority of October 16, 1929. Water for this use is diverted from a point located 1140 feet north and 380 feet east from the SW $\frac{1}{4}$ corner of Section 34 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 25 South, Range 12 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water from a point to be located 6105.63 feet south and 1762.55 feet west from the E $\frac{1}{4}$ corner of Section 27 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 25 South, Range 12 West, W.M. and change the place of use of 0.02 cubic foot per second from the school and 0.001 cubic foot per second from the janitors residence to the new school building in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 25 South, Range 12 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 place of use and point of diversion of water, if any there were, namely: at the county courthouse in Coquille, Oregon, on March 9, 1971, at 9:30 a.m. The notice was published in The World, a newspaper printed and having general circulation in Coos County, Oregon, for a period of three weeks in the issues of January 15, 22, and 29, 1971. 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 place of use and point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as being for the appropriation of 0.02 cubic foot per second for domestic supply for a schoolhouse and 0.001 cubic foot per second for a janitors residence in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 25 South, Range 12 West, W.M. from an unnamed creek with a date of priority of October 16, 1929, be severed therefrom and simultaneously and without loss of priority transferred to the use of 0.021 cubic foot per second of water from an unnamed creek in a school building in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 25 South, Range 12 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from an unnamed creek, to-wit:

From a point located 1140 feet north and 380 feet east from the SW $\frac{1}{4}$ corner of Section 34 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 25 South, Range 12 West, W.M.

To a point to be located 6105.63 feet south and 1762.55 feet west from the E $\frac{1}{4}$ corner of Section 27 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 25 South, Range 12 West, W.M.

for appropriation of 0.038 cubic foot per second of water for use in the old school building; 0.021 cubic foot per second of water for use in the new school building; and 0.001 cubic foot per second of water for use in the teachers residence in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 25 South, Range 12 West, W.M., with a date of priority of October 16, 1929, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion 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 that is available at the old point of diversion and shall be limited to 0.06 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 School District No. 36 and recorded at page 21693, 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 and place of use, a certificate of water right shall be issued to School District No. 9

confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 12th day of March, 1971.



CHRIS L. WHEELER
State Engineer