

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOHN O. SETHER FOR APPROVAL OF)
CHANGES IN PLACE OF USE & POINT)
OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 2486

On February 12, 1971, an application was filed in the office of the Water Resources Director by John O. Sether for approval of changes in place of use and point of diversion of water from springs and a stream tributary to Cow Creek and Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is a portion of the right described by the certificate recorded at page 36030, Volume 28, State Record of Water Right Certificates, in the names of Carl J. and Olger Sether, and is for the use of not to exceed 1/70th cubic foot per second per acre from springs and stream tributary to Cow Creek and Cow Creek, under a priority date of September 17, 1903, for irrigation of a certain 11.4 acres in NW¹/₄ NW¹/₄, Section 3; 30.5 acres in NE¹/₄ NE¹/₄, 2.4 acres in SE¹/₄ NE¹/₄, Section 4, Township 33 South, Range 6 West, W.M.; 4.5 acres in SW¹/₄ SW¹/₄, Section 34, 7.0 acres in SW¹/₄ SE¹/₄ and 14.5 acres in SE¹/₄ SE¹/₄, Section 33, Township 32 South, Range 6 West, W.M.

The authorized point of diversion is located 860 feet South and 1450 feet East from the West Quarter Corner of Section 35, being within the NE¹/₄ SW¹/₄ of Section 35, Township 32 South, Range 6 West, W.M. (Sether Ditch).

The applicant proposes to sever the right from a certain 0.8 acre in NW¹/₄ NW¹/₄, Section 3; 4.0 acres in NE¹/₄ NE¹/₄ and 0.6 acre in SE¹/₄ NE¹/₄, Section 4, Township 33 South, Range 6 West, W.M., and to irrigate in lieu thereof a certain 0.2 acre in NE¹/₄ NW¹/₄, 3.1 acres in NW¹/₄ NW¹/₄, 1.0 acre in SW¹/₄ NW¹/₄ and 1.1 acres in SE¹/₄ NW¹/₄, Section 3, Township 33 South, Range 6 West, W.M., together with the balance of said lands described above, from points of diversion located (1) 870 feet South and 850 feet West from the Northeast Corner of the SW¹/₄ NE¹/₄ of Section 35, being within the SW¹/₄ NE¹/₄ of Section 35, Township 32 South, Range 6 West, W.M.; (2) 225 feet South and 655 feet West from the North Quarter Corner of Section 3, being within the NE¹/₄ NW¹/₄ of Section 3, Township 33 South, Range 6 West, W.M.; and (3) 960 feet North and 700 feet West from the Southeast Corner of Section 33, being within the SE¹/₄ SE¹/₄ of Section 33, Township 32 South, Range 6 West, W.M.

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 September 13, 20 and 27, 1979.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes 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 requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

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:

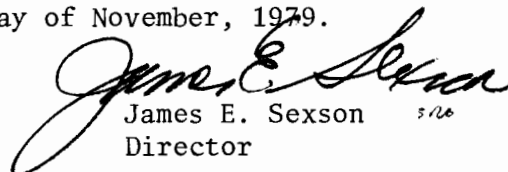
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 36030, Volume 28, 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 confirming this transfer and transfer No. S-213.

Dated at Salem, Oregon this 9th day of November, 1979.


James E. Sexson 5/16
Director