

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION )  
OF HOWARD L. BROWNSON FOR THE AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM SOUTH )  
MYRTLE CREEK )  
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ORDER APPROVING  
TRANSFER NO. 8-198

On May 15, 1969, Howard L. Brownson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from South Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Howard L. Brownson and recorded at page 20541, Volume 15, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.8 cubic foot per second of water from South Myrtle Creek for the irrigation of, among other lands, 14.6 acres in NW¼ NE¼, 3.0 acres in SW¼ NE¼, and 16.2 acres in NE¼ NW¼, Section 21, Township 29 South, Range 4 West, W.M., with a date of priority of March 14, 1950. These lands are irrigated from a point of diversion located 1350 feet north and 1525 feet east from the W¼ corner of Section 21 being within the SE¼ NW¼ of Section 21, Township 29 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 558.98 feet south and 1027.10 feet west from the NW corner of DLC 38 being within the NW¼ NE¼ of Section 21, Township 29 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 of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from South Myrtle Creek, to-wit:

From a point located 1350 feet north and 1525 feet east from the W $\frac{1}{4}$  corner of Section 21 being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 29 South, Range 4 West, W.M.

To a point to be located 558.98 feet south and 1027.10 feet west from the NW corner of DLC 38 being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, Township 29 South, Range 4 West, W.M.

for the irrigation of 14.6 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 3.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 16.2 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 29 South, Range 4 West, W.M., with a date of priority of March 14, 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 0.41 cubic foot per second.

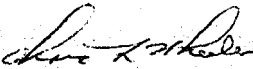
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Howard L. Brownson and recorded at page 20541, Volume 15, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized point of diversion, a certificate of water right shall be issued to Howard L. Brownson confirming the change in point of diversion and covering the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 31st day of August, 1970.



CHRIS L. WHEELER  
State Engineer 9