

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF WILLIAM G. BARE FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM COW CREEK)

O R D E R

APPROVING APPLICATION

On May 7, 1963, William G. Bare of Glendale, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to South Side Ditch Company and recorded at page 7480, Volume 7, State Record of Water Right Certificates, confirms a right under Permit No. 3497 to the use of the waters of Cow Creek for the irrigation of, among other lands, 25 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 25 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 17 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 8 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 32 South, Range 5 West, W. M., with a date of priority of August 20, 1917. These lands are irrigated through the South Side Ditch Company ditch, the point of diversion of said ditch being located 190 feet South and 1150 feet West from the E $\frac{1}{4}$ corner of Section 21, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 21, Township 32 South, Range 5 West, W. M.

The applicant herein, owner of the lands above described proposes to irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located 450 feet North and 100 feet West from the S $\frac{1}{4}$ corner of Section 20, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 20, Township 32 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 July 23, 1963, at 9:30 o'clock a.m. The notice was published in The Mail, a newspaper printed and having

general circulation in Douglas County, Oregon, for a period of three weeks in the issues of May 30, June 6 and 13, 1963. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. C. O. Bartels, 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 Cow Creek, to-wit:

From a point located 190 feet South and 1150 feet West from the E $\frac{1}{2}$ corner of Section 21, and being within the NE $\frac{1}{2}$ SE $\frac{1}{2}$, said Section 21, Township 32 South, Range 5 West, W. M.

To a point to be located 450 feet North and 100 feet West from the S $\frac{1}{2}$ corner of Section 20, and being within the SE $\frac{1}{2}$ SW $\frac{1}{2}$, said Section 20, Township 32 South, Range 5 West, W. M.

for the irrigation of 25 acres in the NE $\frac{1}{2}$ NE $\frac{1}{2}$, 25 acres in the NW $\frac{1}{2}$ NE $\frac{1}{2}$, 17 acres in the NE $\frac{1}{2}$ NW $\frac{1}{2}$ and 8 acres in the SE $\frac{1}{2}$ NW $\frac{1}{2}$, Section 29, Township 32 South, Range 5 West, W. M., with a date of priority of August 20, 1917, 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, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

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.

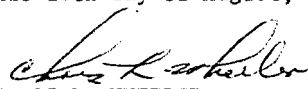
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster, it becomes necessary to install headgates and measuring devices.

That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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.

Dated at Salem, Oregon, this 16th day of August, 1963.

Notations on records
App. # 5695
Cert. # 7480


CHRIS L. WHEELER
State Engineer