

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF DALE R. JOHNS FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM COW CREEK)

O R D E R
APPROVING APPLICATION

On March 13, 1963, Dale R. Johns of Azalea, 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.

By Decree of the Circuit Court for Douglas County, Oregon, entered September 2, 1947, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Cow Creek and its Tributaries, a water right was established in the name of T. C. and A. E. Johns for the use of the waters of Cow Creek for the irrigation of 7.5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 12.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, 0.5 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 25.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12 and 20 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 32 South, Range 5 West, W. M., with a date of priority of September 30, 1907. These lands are irrigated through the Johns Ditch, the point of diversion of said ditch being located 550 feet South and 990 feet East from the W $\frac{1}{2}$ corner of Section 4, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 4, Township 32 South, Range 4 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 867.8 feet South and 1297.2 feet East from the northwest corner of Section 13, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 13, 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 August 8, 1963, at 9:30 o'clock a.m. The notice 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 June 17, 24 and July 1, 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 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 proposed change in point of diversion of water from Cow Creek, to-wit:

From a point located 550 feet South and 990 feet East from the $W\frac{1}{2}$ corner of Section 4, and being within the $NW\frac{1}{4} SW\frac{1}{4}$, said Section 4, Township 32 South, Range 4 West, W. M.

To a point to be located 867.8 feet South and 1297.2 feet East from the northwest corner of Section 13, and being within the $NW\frac{1}{4} NW\frac{1}{4}$, said Section 13, Township 32 South, Range 5 West, W. M.

for the irrigation of 7.5 acres in the $NE\frac{1}{4} SE\frac{1}{4}$ and 12.5 acres in the $SE\frac{1}{4} SE\frac{1}{4}$, Section 11 and 0.5 acre in the $NW\frac{1}{4} SW\frac{1}{4}$ and 25.0 acres in the $SW\frac{1}{4} SW\frac{1}{4}$, Section 12 and 20 acres in the $NW\frac{1}{4} NW\frac{1}{4}$, Section 13, Township 32 South, Range 5 West, W. M., with a date of priority of September 30, 1907, 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.

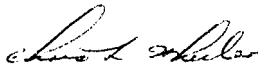
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices.

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 20th day of August, 1963.

*Noted on Decree
Vol. 10 p. 356
Cert. # 7646*


CHRIS L. WHEELER
State Engineer