

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, 1962, 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 Dan F. Clare and recorded at page 28553, Volume 20, State Record of Water Right Certificates, confirms a right under Permit No. 22623 to the use of the waters of Cow Creek for the irrigation of 0.3 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 15.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 32 South, Range 5 West, W. M., with a date of priority of September 10, 1953. These lands are irrigated through the South Side Ditch, the point of diversion of said ditch being located 190 feet South and 1150 feet West from the E $\frac{1}{2}$ corner of Section 21, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 21, Township 32 South, Range 5 West, W. M., as projected in D. Leven D. L. C. No. 38.

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 300 feet North and 1320 feet East from the southwest corner of Section 20, and being within the SW $\frac{1}{4}$ 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 10, 1962, 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 17, 24 and 31, 1962. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 points of diversion of water from Cow Creek, to-wit:

From a point located 100 feet South and 1150 feet West from the E $\frac{1}{2}$ 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., as projected in D. Leven D. L. C. No. 38,

To a point to be located 300 feet North and 1320 feet East from the southwest corner of Section 20, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 20, Township 32 South, Range 5 West, W. M.

for the irrigation of 0.3 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 15.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 32 South, Range 5 West, W.M., with a date of priority of September 10, 1953, be and the same is hereby approved.

It is FURTHER ORDERED that the change in point of diversion of water shall be completed on or before October 1, 1963, 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 of Douglas County, Oregon, and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 16th day of July, 1962.

Noted on records

*App. # 29771
Cert. # 28553*



CHRIS L. WHEELER
State Engineer