

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION  
OF SAM OSEPIAN FOR THE APPROVAL  
OF A CHANGE IN POINT OF DIVERSION  
OF WATER FROM COW CREEK

ORDER APPROVING  
TRANSFER NO. 2841

-----

On June 28, 1973, Sam Osepien 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 Louis F. Anderson and recorded at page 2843, Volume 4, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.375 cubic foot per second of water from Cow Creek for the irrigation of, among other lands, 5.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, Township 32 South, Range 5 West, W.M., with a date of priority of December 22, 1909. These lands are irrigated by means of A. H. Anderson ditch from a point of diversion located 30.74 chains East from the N  $\frac{1}{4}$  corner of Section 22, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 22, Township 32 South, Range 5 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 735 feet South and 925 feet East from the Northwest corner of Section 22, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, 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 February 5, 1974 at 9:30 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 December 12, 19 and 26, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 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 Cow Creek, to wit:

From a point located 30.74 chains East from the North  $\frac{1}{4}$  corner of Section 22, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 22, Township 32 South, Range 5 West, W.M.

To a point to be located 735 feet South and 925 feet East from the Northwest corner of Section 22, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, Township 32 South, Range 5 West, W.M.

for the irrigation of 5.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, Township 32 South, Range 5 West, W.M., with a date of priority of December 22, 1909, 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, 1975.

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 0.063 cubic foot per second.

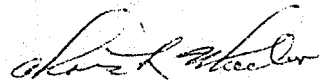
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Louis F. Anderson and recorded at page 2843, Volume 4, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Sam Osepian confirming the change in point of diversion.

Dated at Salem, Oregon, this 7th day of February, 1974.



CHRIS L. WHEELER  
State Engineer