BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION OF CECIL E. AND ROSA M. YOUNG FOR THE APPROVAL OF A CHANGE IN POINT OF DIVERSION OF WATER FROM COW CREEK.

ORDER

APPROVING APPLICATION

On May 3, 1956 Cecil E. and Rosa M. Young of Glendale, Oregon, filed an application 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 August 14, 1930, in the matter of the determination of the relative rights to the use of the water of Cow Creek and its tributaries, a water right was adjudicated in the name of S. Jacques for the irrigation of 4.4 acres in the SW¼ SE¼, Section 26, and 30 acres in the NW¼ NE¼ and 2 acres in the NE¼ NW¼, Section 35, Township 32 South, Range 6 West, W. M., from Cow Creek with a date of priority of September 1901. These lands are irrigated through the Cow Creek Irrigation Co. ditch, the point of diversion of said ditch being located 75 feet north and 2000 feet east from the south quarter corner of Section 19, and being within the SE¼ SE¼, said Section 19, Township 32 South, Range 5 West, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 540 feet south and 2 feet east from the most easterly northeast corner of D. L. C. No. 38, in Section 35, and being within the SE¼ NE¼, said Section 35, Township 32 South, Range 6 West, W. M.

Notice by publication as provided by ORS 540.520 was given in the Roseburg News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks and being the issues of May 10, 17 and 24, 1956. The time for hearing as fixed in the notice, namely:

July 6, 1956, was not less than thirty days after the last publication of the notice.

Mr. Tom R. Pearce, Watermaster of District No. 16, has filed a statement to the effect that in his opinion the proposed change in point of diversion of water from Cow Creek 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 from Cow Creek 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 75 feet north and 2000 feet east from the south quarter corner of Section 19, and being within the SE¼ SE¼, said Section 19, Township 32 South, Range 5 West, W. M.,
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> To a point to be located 540 feet south and 2 feet east from the most easterly northeast corner of D. L. C. No.38 in Section 35, and being within the SE¼ NE¼, said Section 35, Township 32 South, Range 6 West, W. M.,

for the irrigation of 30 acres in the NW¼ NE¼ and 2 acres in the NE¼ NW¼, Section 35 and 4.4 acres in the SW¼ SE¼, Section 26, Township 32 South, Range 6 West, W. M., with a date of priority of September 1901, be and the same hereby 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, 1957 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 that is 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.
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> That the plans of the weir or other suitable device be approved by the watermaster of Josephine County, Oregon 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 26th day of July 1956.

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer