BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION OF JOHN F. AND JUNE L. LIDDICOAT FOR THE APPROVAL OF A CHANGE IN POINTS OF DIVERSION OF WATER FROM POLLACK CREEK

ORDER APPROVING TRANSFER NO. 2972

On February 8, 1974, John F. and June L. Liddicoat filed an application in the office of the State Engineer for the approval of a change in points of diversion of water from Pollack Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Donne Nerell and recorded at page 32287, Volume 24, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.18 cubic foot per second of water from Pollack Creek for the irrigation of, among other lands, 3.4 acres in SW¼ NE¼, Section 15, Township 24 South, Range 5 West, W.M., with a date of priority of December 19, 1958. These lands are irrigated from a point of diversion located 1400 feet South and 340 feet East from the North ¼ corner of Section 15, being within the SW¼ NE¼, Section 15, Township 24 South, Range 5 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from two points of diversion to be located (1) 3780 feet North and 2560 feet West from the Southeast corner of Section 15, being within the SW¼ NE¼, Section 15; and (2) 3470 feet North and 2590 feet West from the Southeast corner of Section 15, being within the SW¼ NE¼, Section 15, all in Township 24 South, Range 5 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said Section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

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.

Barney Nerell, contract seller, has submitted written approval of the proposed change in points of diversion.

No objections having been filed and it appearing that the proposed change in points 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 Pollack Creek, to wit:

> From a point located 1400 feet South and 340 feet East from the North ¼ corner of Section 15, being within the SW¼ NE¼ of Section 15, Township 24 South, Range 5 West, W.M.
>
> To a point to be located 3780 feet North and 2560 feet West from the Southeast corner of Section 15, being within the SW¼ NE¼ of Section 15, Township 24 South, Range 5 West, W.M.
>
> And to a point to be located 3470 feet North and 2590 feet West from the Southeast corner of Section 15, being within the SW¼ NE¼, Section 15, Township 24 South, Range 5 West, W.M.

for the irrigation of 3.4 acres in SW¼ NE¼, Section 15, Township 24 South, Range 5 West, W.M., with a date of priority of December 19, 1958, 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 0.04 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 Donne Nerell and recorded at page 32287, Volume 24, 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 changes in points of diversion, a certificate of water right shall be issued to John F. and June L. Liddicoat confirming the changes in points of diversion.

Dated at Salem, Oregon, this 6th day of May, 1974.

CHRIS L. WHEELER
State Engineer