BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION OF MRS. FRANKIE SCHRODER FOR THE APPROVAL OF A CHANGE IN PLACE OF USE AND POINT OF DIVERSION OF WATER FROM COW CREEK.

ORDER

APPROVING APPLICATION

On January 11, 1951, Mrs. Frankie Schroder of Azalea, Oregon, filed an application for the approval of a change in place of use and point of diversion of water from Cow Creek, pursuant to the provisions of Section 116-606, O. C. L. A.

Certificate of water right recorded at page 10190, Volume 9, State Record of Water Right Certificates, issued in the name of William Schroder confirms a right under permit No. 10560 for the irrigation of 4 acres in the SW¼ NW¼, Section 5, Township 32 South, Range 4 West, W. M., with a date of priority of April 27, 1932. These 4 acres are irrigated through the Johns Irrigation Ditch, the point of diversion of said ditch being located 550 feet south and 950 feet east from the west quarter corner of Section 4, and being within the NW¼ SW¼, said Section 4, Township 32 South, Range 4 West, W. M.

Mrs. Frankie Schroder, owner of the above described land, proposes to transfer the water right therefrom, without loss of priority, to 4 acres in the NW¼ SW¼, Section 5, Township 32 South, Range 4 West, W. M., and to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be located 260 feet south and 660 feet east from the west quarter corner of Section 5, and being within the NW¼ SW¼, said Section 5, Township 32 South, Range 4 West, W. M.

Notice of filing the application was prepared by the State Engineer, setting f ch 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 Court House at Roseburg, Oregon, on April 5, 1951, at 10:00 o'clock a.m. The notice was published for a period of at least three weeks and not less than one publication each week in the Roseburg News-Review, a newspaper of general circulation in Douglas County, being the issues of February 13, 20 and 27, 1951. The date fixed for the hearing in said notice was not less than thirty days after the last publication of the said notice.

Mr. Tom R. Pearce, Watermaster of District No. 16, has filed a report to the effect that the proposed change in place of use and 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 place of use and 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 place of use of water be and the same hereby is approved, and that the water right hereinbefore described as appurtenant to 4 acres in the SW¼ NW¼, Section 5, Township 32 South, Range 4 West, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 4 acres in the NW¼ SW¼, said Section 5.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Cow Creek, to-wit:

> From a point located 550 feet south and 950 feet east from the west quarter corner of Section 4, and being within the NW¼ SW¼, said Section 4, Township 32 South, Range 4 West, W. M.,
>
> To a point to be located 260 feet south and 660 feet east from the west quarter corner of Section 5, and being within the NW¼ SW¼, said Section 5, Township 32 South, Range 4 West, W. M.,

for the irrigation of 4 acres in the NW¼ SW¼, Section 5, Township 32 South, Range 4 West, W. M., with a date of priority of April 27, 1932, be and the same hereby is approved.

It is FURTHER ORDERED that complete application of water to beneficial use upon the land to which the water is transferred hereby shall be made on or before October 1, 1952, or such extension of time as may be granted by the State Engineer for good cause shown.

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 be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled;
>
> That the location of the pumping plant and channel to convey the water to the pump and the plans of the head-gate and weir or measuring device be approved, before the beginning of construction work, by the watermaster of Douglas County, Oregon, and that the headgate, weir or measuring device be constructed under the general supervision of said watermaster.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use upon the land to which the water is transferred hereby, a certificate of water right shall be issued to Mrs. Frankie Schroder, or her successor in interest, and that the certificate of water right heretofore issued to William Schroder and recorded at page 10190, Volume 9, State Record of Water Right Certificates, be cancelled.

Dated at Salem, Oregon, this 6th day of April, 1951.

Noted on Cert. 10190

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer