BEFORE THE STATE ENGINEER OF OREGON

Douglas County

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

O R D E R

APPROVING APPLICATION

On January 11, 1951, Mrs. Frankie Schroder and Mrs. Ila Quirke of Azalea, Oregon, filed an application for the approval of a change in 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 4892, Volume 5, State Record of Water Right Certificates and issued in the name of William Schroder and F. A. Tripp, confirms a right under permit No. 5823 for the irrigation of 4 acres in the NE¼ SW¼ and 3 acres in the NW¼ SW¼, Section 5, Township 32 South, Range 4 West, W. M., with a date of priority of April 2, 1923. These 7 acres are irrigated through the Tripp and Schroder Flume, the point of diversion of said flume being located 500 feet south and 220 feet east from the northwest corner of the NW¼ SE¼, Section 5, and being within the NW¼ SE¼, said Section 5, Township 32 South, Range 4 West, W. M.

Mrs. Frankie Schroder, owner of the 3 acres in the NW¼ SW¼, said Section 5, proposes 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.

Mrs. Ila Quirke, owner of the 4 acres in the NE¼ SW¼, said Section 5, proposes to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be located 290 feet south and 780 feet east of the northwest corner of the NE¼ SW¼, Section 5, and being within the NE¼ SW¼, said Section 5, Township 32 South, Range 4 West, W. M.

Notice of the filing of the application was prepared by the State Engineer, 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 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 said notice.

Mr. Tom R. Pearce, Watermaster, District No. 16, 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 of water from Cow Creek may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it is hereby ORDERED that the proposed change in point of diversion of water from Cow Creek, to-wit:

> From a point located 500 feet south and 220 feet east from the northwest corner of the NW¼ SE¼, Section 5, and being within the NW¼ SE¼, said Section 5, 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 3 acres in the NW¼ SW¼, Section 5, Township 32 South, Range 4 West, W. M., owned by Mrs. Frankie Schroder, with a date of priority of April 2, 1923, and

To a point to be located 290 feet south and 780 feet east from the northwest corner of NE¼ SW¼, Section 5, and being within the NE¼ SW¼, said Section 5, Township 32 South, Range 4 West, W. M.

for the irrigation of 4 acres in the NE¼ SW¼, Section 5, Township 32 South, Range 4 West, W. M., owned by Mrs. Ila Quirke, with a date of priority of April 2, 1923, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work required to be done in connection with these changes in points of diversion of water herein approved shall be completed on or before October 1, 1952, or such extension of time as may be granted by the State Engineer for good cause shown, and upon completion of such work, satisfactory proof shall be filed with the State Engineer.

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 w[illegible] master.

Dated at Salem, Oregon, this 11th day of April, 1951.

Noted on Cert. 4892

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer