

SP-44048-114

STATE OF OREGON

COUNTY OF

TILLAMOOK

CERTIFICATE OF WATER RIGHT

Department of Fish & Wildlife
 This Is to Certify, That ~~OREGON STATE GAME COMMISSION~~

1634 SW Alder St.
 of Portland, State of Oregon *97208*, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
 Cedar Creek
 a tributary of Three Rivers for the purpose of
 Fish hatchery
 under Permit No. 8360 of the State Engineer, and that said right to the use of said waters
 has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
 confirmed dates from August 18, 1924;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
 5.0 cubic feet per second.

Lot 1 NW 1/4 NW 1/4
 The point of diversion is located in the ~~SW 1/4~~ *SW 1/4* of Section ~~18~~ *19*, Township 4S, Range 9W, W. M.
 The use hereunder for irrigation shall conform to such reasonable rotation system as may be
 ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other
 right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per
 acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such
 right is appurtenant (if for irrigation, or any other purpose), is as follows: ~~NE 1/4~~ *NE 1/4*, Section 24,
 Township 4 South, Range 10 West, Willamette Meridian, in Tillamook County, Oregon.

This certificate is issued to confirm a change in *PON*
 approved by an order of the ~~Water Resources Director~~ *SE* entered *May 7 1971*,
 and supersedes certificate of water right issued to *OR ST GAME COM*
 and recorded at Page *9572*, Volume *9*, State Record of Water Right Certificates.

condition that before taking possession the State or municipality shall pay not less than the
 value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and
 dependable property of the holder of this certificate, not taken over, as may be caused by the
 severance therefrom of the property taken in accordance with the provisions of section 47-508,
 Oregon Code 1930.

WITNESS the signature of the State Engineer,

affixed this *21st* day
 of *April*, 19*82*

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume *9*, page *9572*.

100' S of 300' E from the NW cor Sec 19

BEFORE THE STATE ENGINEER OF OREGON

Tillamook County

IN THE MATTER OF THE APPLICATION)
OF OREGON STATE GAME COMMISSION)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
CEDAR CREEK)

ORDER APPROVING
TRANSFER NO. 2450

On September 25, 1970, Oregon State Game Commission filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Cedar Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Oregon State Game Commission and recorded at page 9572, Volume 9, State Record of Water Right Certificates, confirms a right to the use of not to exceed 3.0 cubic feet per second of water from Cedar Creek for a fish hatchery in NE¼ NE¼, Section 24, Township 4 South, Range 10 West, W.M., with a date of priority of August 13, 1924. Water is conveyed to these lands from a point of diversion located N 63° 49' E 833.1 feet from the SW corner of Section 18 being within the SW¼ SW¼ of Section 18, Township 4 South, Range 9 West, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands from a point of diversion to be located 110 feet south and 285 feet east from the NW corner of Section 19 being within the NW¼ NW¼ of Section 19, Township 4 South, Range 9 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. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion 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 proposed change in point of diversion of water from Cedar Creek, to-wit:

From a point located N 63° 49' E 833.1 feet from the SW corner of Section 18 being within the SW¼ SW¼ of Section 18, Township 4 South, Range 9 West, W.M.

To a point to be located 110 feet south and 285 feet east from the NW corner of Section 19 being within the NW¼ NW¼ of Section 19, Township 4 South, Range 9 West, W.M.

for a fish hatchery in NE¼ NE¼, Section 24, Township 4 South, Range 10 West, W.M., with a date of priority of August 13, 1924, is approved.

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is completed and the new diversion in operation.

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 3.0 cubic feet 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 Oregon State Game Commission and recorded at page 9572, Volume 9, State Record of Water Right Certificates, is canceled 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 Oregon State Game Commission confirming the change in point of diversion.

Dated at Salem, Oregon, this 7th day of May, 1971.

/s/ CHRIS L. WHEELER
State Engineer