

Ore. State Game Co.  
P.O. Box 3503  
Portland, Ore.

2451

STATUS OF APPLICATION

Change in Point of Diversion  
Date filed September 25, 1970  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 5-7-71 Vol. 21, page 76  
Date for application of water completed  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued NOV 23 1976 Vol. 36, page 41021  
OK ut

DESCRIPTION OF WATER RIGHT

Name of stream Cedar Creek  
Trib. of — County of Tillamook  
Use fish propagation & domestic  
Quantity of water 10.0 cfs No. of acres —  
Name of ditch —  
Date of priority December 24, 1924  
In name of Oregon State Game Comm.  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 9962 Per. No. 6641 Cert. No. 7405  
Certificate cancelled \_\_\_\_\_  
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>9-25-70</u>	<u>25.00</u>	<u>20991</u>
TOTAL . . .		
<u>10-13-76</u>	<u>\$1 Cert. Fee</u>	<u>56449</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Transparency in File 47574

certs in Oct 7, 1976 file

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>slu</u>	
<input checked="" type="checkbox"/>	Stream		<u>slu</u>	
	Pt. of Div.			
	Calendar		<u>completed</u>	
CHECKED TO RECORDS:				
<input checked="" type="checkbox"/>	Twp. & Rge.		<u>slu</u>	
	Decree-vault			
	Decree-safe			
<input checked="" type="checkbox"/>	Cert. of W/R		<u>slu</u>	
<input checked="" type="checkbox"/>	Per. Folder		<u>slu</u>	
	Chainindex			
	Cross Ref.			
	Power Claim			
	Abstracts			

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 )  
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ORDER APPROVING  
TRANSFER NO. 2451

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 7405, Volume 7, State Record of Water Right Certificates, confirms a right to the use of not to exceed 10.0 cubic feet per second of water from Cedar Creek for fish hatchery and domestic use in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 24, Township 4 South, Range 10 West, W.M., with a date of priority of December 24, 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 SW $\frac{1}{4}$  SW $\frac{1}{4}$  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 NW $\frac{1}{4}$  NW $\frac{1}{4}$  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 fish hatchery and domestic use in NE¼ NE¼, Section 24, Township 4 South, Range 10 West, W.M., with a date of priority of December 24, 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 10.0 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 7405, Volume 7, 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

## STATE OF OREGON

COUNTY OF ~~TILLAMOOK~~

## CERTIFICATE OF WATER RIGHT

*1634 S.W. Alder St.*  
 This is to Certify, *Dept. of Fish & Wildlife* That ~~Oregon State Game Commission~~  
 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, Nestucca R. for the purpose of Domestic & Fish Hatchery  
 under Permit No. 6641 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 December 24, 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  
 10.0 cubic feet per second;

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 (or, if for other purposes, the place where the water is put to beneficial use),  
 is as follows:

~~NE 1/4~~, Section Twenty-four (24), Township Four South, Range  
 Ten West of the Willamette Meridian, in Tillamook County, Oregon.

*P.O.D. Lot 1 NW 1/4 NW 1/4 Sec 19 T4S R9W N1M*  
*100' S 5' 300' E from the NW cor Sec 19*

This certificate is issued to confirm a change in *P.O.D.*  
*SE*  
 approved by an order of the Water Resources Director entered *May 7, 1971*,  
 and supersedes certificate of water right issued to *OR ST GA COM*  
 and recorded at Page *7405*, Volume *7*, State Record of Water Right Certificates.

the laws existing at the date of the expiration of the right for power purposes, as hereby con-  
 firmed and limited.

WITNESS the signature of the State Engineer,

affixed this 28th day  
 of October, 1927.

*RHEA LUPER*

State Engineer.

Recorded in State Record of Water Right Certificates, Volume

*7*, page *7405*.