

220 Oregon Wildlife
Commission, P.O. Box 3-23
Portland

2996

STATUS OF APPLICATION

Change in point of diversion
Date filed 3-15-74
Date of hearing _____
Place of hearing _____
Date of order 9-22-78 Vol. 31, page 256
Date for application of water completed
Proof mailed _____
Proof received _____
Certificate issued OCT 20 1978 Vol. 39, page 46729

DESCRIPTION OF WATER RIGHT

Name of stream Cedar Creek
Trib. of _____ County of Willamette
Use fish rearing
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 45975 Per. No. 34342 Cert. No. 38594
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-15-74</u>	<u>88.00</u> <u>< 2.00 ></u>	<u>From Rec # 39087</u>
TOTAL . . .		
<u>9-22-78</u>	<u>2nd Cert. Fee</u>	<u>Transf. fr 39082</u>

FEES REFUNDED

Date	Amount	Check No.
<u>9-29-78</u>	<u>\$56.00</u>	<u>2637</u>
Exam	15 -	
POD	15 -	
Cert	2 -	
	<u>32 -</u>	

REMARKS

See A#47577 file for f.p. survey

46500

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

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

TILLAMOOK COUNTY

IN THE MATTER OF THE APPLICATION)
OF OREGON WILDLIFE COMMISSION)
FOR APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 2996

On March 15, 1974, an application was filed in the office of the Water Resources Director by Oregon Wildlife Commission for approval of a change in point of diversion from Cedar Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 38594, Volume 30, State Record of Water Right Certificates, in the name of Oregon State Game Commission, describes a right for the use of not to exceed 4.0 cubic feet per second from Cedar Creek for fish rearing in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 4 South, Range 10 West, W.M., with a date of priority of April 23, 1969.

The authorized point of diversion for the said right is located 1100 feet South and 770 feet West from the Northeast Corner of Section 24, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 24.

The applicant herein, owner of the lands above described, proposes to change the point of diversion of record therefrom, without loss of priority, to the existing point of diversion located 795 feet South and 117 feet West from the Northeast Corner of Section 24, being within the said NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24.

Mr. Clifton R. King, Watermaster, has filed a statement 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

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 under the subject right.

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:

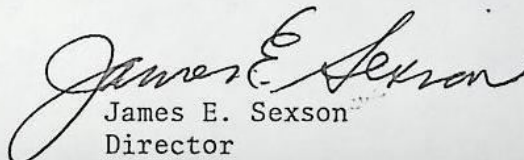
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Oregon State Game Commission and recorded at page 38594, Volume 30, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 22nd day of September, 1978.


James E. Sexson
Director

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~OREGON WILDLIFE~~ ~~OREGON STATE ENGINEER~~ COMMISSION ⁹⁷²⁰¹

of P. O. Box 3503, Portland, State of Oregon, 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 River~~) for the purpose of fish rearing

under Permit No. 34342 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 April 23, 1969

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 4.0 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, T. 4 S., R. 10 W., W. M. ~~Diversion point located: 1100 feet South and 770 feet West from NE Corner, Section 24.~~ 795 117

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 ----- of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

NE $\frac{1}{4}$, NE $\frac{1}{4}$
Section 24
T. 4 S., R. 10 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered Sept 22, 1978 and supersedes certificate of water right recorded on Page 38594, Volume 30, SRWRC.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

this date. September 28, 1972

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38594