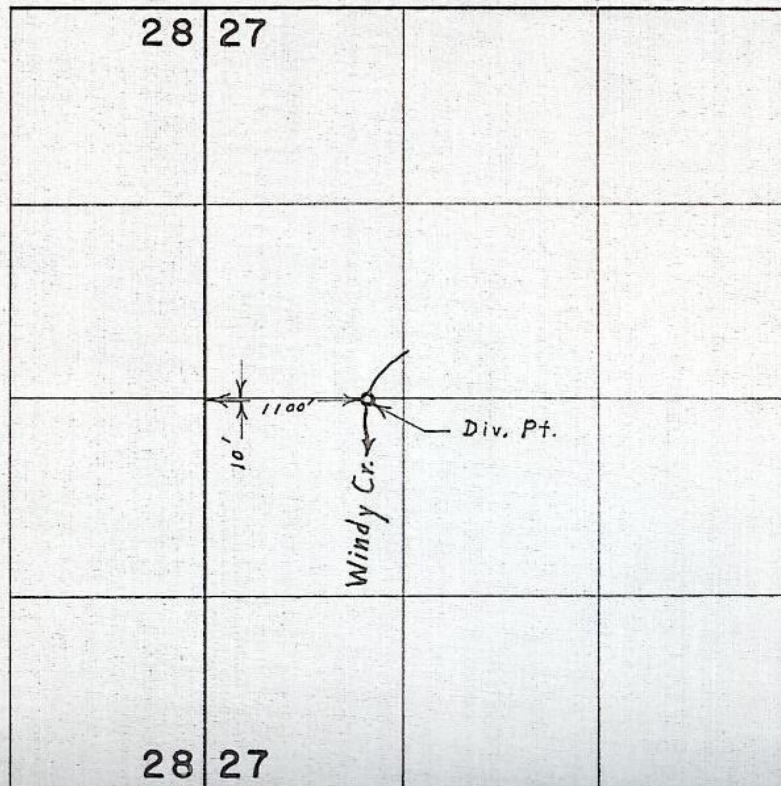


719

T.32S. R.6W. W.M.



FINAL PROOF SURVEY
UNDER

Application No. _____ Transfer No. 2827
Permit No. _____
IN NAME OF
DON C. MAY

Surveyed July 10, 1974, by L. H. NUNN

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That THE ROBERT DOLLAR CO.

of P. O. Box C, Glendale, 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 Windy Creek

a tributary of Cow Creek
irrigation of ~~20.7~~ ^{18.9} acres

for the purpose of

under Permit No. 27344 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 18, 1961

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 0.23 cubic foot per second
0.21

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, T. 32 S., R. 6 W., W. M. Diversion point located: 810 feet South and 770 feet East from W $\frac{1}{4}$ Corner, Section 27.

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 for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right to use of water shall be limited to the period when the flow of Cow Creek is more than 11 cubic feet per second at its mouth,

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:

^{18.9}
~~20.7~~ acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 27
T. 32 S., R. 6 W., W. M.

Certificate of water right issued to The Robert Dollar Co. and recorded at page 37267, Volume 29, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 20.7 acres. A change in the point of diversion for the irrigation of 1.8 acres was approved by order of the State Engineer entered Sept. 24, 1973. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to The Robert Dollar Co.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37267

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION
OF DON C. MAY FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM WINDY CREEK

ORDER APPROVING
TRANSFER NO. 2827

On May 31, 1973, Don C. May filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Windy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to the Robert Dollar Company and recorded at page 37267, Volume 29, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.23 cubic foot per second of water from Windy Creek for the irrigation of, among other lands, 1.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 32 South, Range 6 West, W.M., with a date of priority of April 18, 1961. These lands are irrigated from a point of diversion location 810 feet South and 770 feet East from the West $\frac{1}{4}$ corner of Section 27, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 32 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 300 feet West from the NE corner of NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 32 South, Range 6 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. M. John Youngquist, Watermaster of District No. 15, 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 may be made without injury to existing rights, the application should be approved.

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

From a point located 810 feet South and 770 feet East from the West $\frac{1}{4}$ corner of Section 27, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 32 South, Range 6 West, W.M.

To a point to be located 300 feet West from the NE corner of NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 32 South, Range 6 West, W.M.

for the irrigation of 1.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 32 South, Range 6 West, W.M., with a date of priority of April 18, 1961, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1974.

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 0.02 cubic foot 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 the Robert Dollar Company and recorded at page 37267, Volume 29,

State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding 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 Don C. May confirming the change in point of diversion.

Dated at Salem, Oregon, this 24th day of September, 1973.

/s/

CHRIS L. WHEELER
State Engineer