

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION  
OF CECIL BRUNER FOR THE APPROVAL  
OF A CHANGE IN POINT OF DIVERSION  
OF WATER FROM SUCKER CREEK

ORDER APPROVING  
TRANSFER NO. 2819

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On May 23, 1973, Cecil Bruner filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Sucker Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered October 22, 1962, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Sucker Creek and its Tributaries, a water right was established in the name of Fred W. and Florence Flueger for the use of the waters of Sucker Creek for the irrigation of 2.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 35, Township 39 South, Range 8 West, W.M., with a date of priority of 1857, as evidenced by certificate of water right recorded at page 30546, Volume 22, State Record of Water Right Certificates. These lands are irrigated by means of the Briggs-Tannery ditch from a point of diversion located 2650 feet South and 100 feet East from the Northwest corner of Section 31, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 31, Township 39 South, Range 7 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 980 feet South and 1210 feet West from the East  $\frac{1}{4}$  corner of Section 35, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 35, Township 39 South, Range 8 West, W.M.

Notice of the filing of the application was given by publication 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 courthouse in Grants Pass, Oregon on January 29, 1974 at 9:30 a.m. The notice was published in the Illinois Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of December 6, 13 and 20, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. Steimer, Watermaster of District No. 14, 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 Sucker Creek, to wit:

From a point located 2650 feet South and 100 feet East from the Northwest corner of Section 31, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 31, Township 39 South, Range 7 West, W.M.

To a point to be located 980 feet South and 1210 feet West from the East  $\frac{1}{4}$  corner of Section 35, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, Township 39 South, Range 8 West, W.M.

for the irrigation of 2.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 35, Township 39 South, Range 8 West, W.M., with a date of priority of 1857, 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, 1975.

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 0.05 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 Fred W. and Florence Plueger and recorded at page 30546, Volume 22, 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 Cecil Bruner confirming the change in point of diversion.

Dated at Salem, Oregon, this 15th day of February, 1974.



CHRIS L. WHEELER  
State Engineer