

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF GEORGE L. OR IRENE ALLEN FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM SUCKER)
CREEK.)
-----)

ORDER
APPROVING APPLICATION

On January 16, 1957, George L. or Irene Allen of Cave Junction, Oregon, 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.

Certificate of water right issued to J. E. Hodgdon and recorded at page 1023, Volume 2, State Record of Water Right Certificates, confirms a right to the use of water of Sucker Creek under Permit No. 249 for the irrigation of 8.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 39 South, Range 7 West, W. M., with a date of priority of March 16, 1910. These lands are irrigated through the J. E. Hodgdon ditch, the point of diversion of said ditch being located 2500 feet south from the northeast corner of Section 22, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 22, Township 39 South, Range 7 West, W. M.

The applicants herein, owners of the lands above described, propose to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 550 feet south and 460 feet west from the northeast corner of the southwest quarter, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 39 South, Range 7 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: April 18, 1957, at 10:00 o'clock a. m., at the county court house in Grants Pass, Oregon. 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 February 21 and 28 and March 7, 1957. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights, the application should be approved.

Mr. George W. Thrasher, Watermaster of District No. 16, 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.

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

From a point located 2500 feet south from the northeast corner of Section 22, and being within the $SE\frac{1}{4} NE\frac{1}{4}$, said Section 22, Township 39 South, Range 7 West, W. M.,

To a point to be located 550 feet south and 460 feet west from the northeast corner of the southwest quarter, and being within the $NE\frac{1}{4} SW\frac{1}{4}$, Section 22, Township 39 South, Range 7 West, W. M.,

for the irrigation of 8.5 acres in the $NW\frac{1}{4} SW\frac{1}{4}$ and 8.5 acres in the $NE\frac{1}{4} SW\frac{1}{4}$, Section 22, Township 39 South, Range 7 West, W. M., with a date of priority of March 16, 1910, be and the same is approved.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1958 or within such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices:

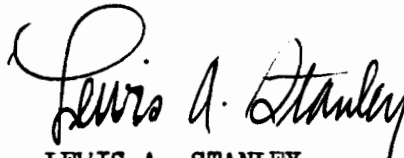
That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Josephine County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 22nd day of April 1957.

Noted on
Cert. 1023

Trsf. # A-27


LEWIS A. STANLEY
State Engineer