

Lane County

IN THE MATTER OF THE APPLICATION)
OF JAMES R. WIEMERS FOR THE AP-)
PROVAL OF A CHANGE IN PLACE OF)
USE AND POINT OF DIVERSION OF)
WATER FROM FALL CREEK)
-----)

ORDER APPROVING
TRANSFER NO. W-117

On April 21, 1966, James R. Wiemers filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Fall Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to James R. Wiemers and recorded at page 24119, Volume 17, State Record of Water Right Certificates, confirms a right to the use of the waters of Fall Creek for the irrigation of 5.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 18 South, Range 1 East, W.M., 2.8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 36.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.6 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.5 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, Township 19 South, Range 1 East, W.M. with a date of priority of March 13, 1951. These lands are irrigated from a point of diversion located 200 feet north and 175 feet east from the south quarter corner of Section 31, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 18 South, Range 1 East, W.M.

The applicant herein proposes to transfer the place of use of water to 20.6 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, 24.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.2 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 19 South, Range 1 West, W.M., and to change the point of diversion for the irrigation of these lands to three points to be located: 1) 1725 feet north and 2300 feet west from the northwest corner of Donation Land Claim No. 55, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 19 South, Range 1 West, W.M.; 2) 1600 feet north and 1125 feet west from the northwest corner of Donation Land Claim No. 55, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 19 South, Range 1 West, W.M.; and, 3) 1360 feet north and 390 feet

west from the northwest corner of Donation Land Claim No. 55, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 19 South, Range 1 West, W.M.

Certificate of water right issued to James A. Wiemers and recorded at page 31883, Volume 23, State Record of Water Right Certificates, confirms a right to the use of the waters of Fall Creek for the irrigation of 1.0 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 17.8 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, and 12.6 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 19 South, Range 1 West, W.M., with a date of priority of July 20, 1962. These lands are irrigated from two points of diversion located 1725 feet north and 2300 feet west from the northwest corner of Donation Land Claim No. 55, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 19 South, Range 1 West, W.M., and 1600 feet north and 1125 feet west from the northwest corner of Donation Land Claim No. 55, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, Township 19 South, Range 1 West, W.M.

The applicant herein proposes to transfer the place of use of water to 0.4 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 8.6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, 2.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 19.9 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 19 South, Range 1 West, W.M. and to irrigate from an additional point of diversion to be located 1360 feet north and 390 feet west from the northwest corner of Donation Land Claim No. 55, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 19 South, Range 1 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 changes in place of use and points of diversion of water, if any there were, namely: at the county courthouse at Eugene, Oregon, on July 6, 1966, at 9:30 a.m. The notice was published in the Springfield News, a newspaper printed and having general circulation in Lane County, Oregon, for a period of three weeks in the issues of May 9, 16 and 23, 1966. The date set for

hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Ralph H. Jackson, Watermaster of District No. 2, has filed a report to the effect that the proposed changes in places of use and points of diversion of water may be made without injury to existing rights.

The Corps of Engineers, Real Estate Division, owner of the lands from which it is proposed to transfer water under certificate 24119, has submitted written approval to the changes in place of use and point of diversion of water.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in places of use of water are approved and the water right hereinbefore described as appurtenant to 5.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 18 South, Range 1 East, W.M., 2.8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 36.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.6 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.5 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, Township 19 South, Range 1 East, W.M., with a date of priority of March 13, 1951, be severed therefrom and simultaneously and without loss of priority transferred to 20.6 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, 24.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.2 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 19 South, Range 1 West, W.M.; and the water right hereinbefore described as appurtenant to 17.8 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.0 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, and 12.6 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 19 South, Range 1 West, W.M., with a date of priority of July 20, 1962, be severed therefrom and simultaneously and without loss of priority transferred to 0.4 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 8.6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, 2.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 19.9 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 19 South, Range 1 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Fall Creek, to-wit:

From a point located 200 feet north and 175 feet east from the south quarter corner of section 31, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 18 South, Range 1 East, W.M.

To a point to be located 1725 feet north and 2300 feet west from the northwest corner of Donation Land Claim No. 55, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 19 South, Range 1 West, W.M.

To a point to be located 1600 feet north and 1125 feet west from the northwest corner of Donation Land Claim No. 55, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 19 South, Range 1 West, W.M.

To a point to be located 1360 feet north and 390 feet west from the northwest corner of Donation Land Claim No. 55, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 19 South, Range 1 West, W.M.

for the irrigation of 20.6 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, 24.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 19 South, Range 1 West, W.M., with a date of priority of March 13, 1951;

And to establish an additional point of diversion to be located 1360 feet north and 390 feet west from the northwest corner of Donation Land Claim No. 55, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 19 South, Range 1 West, W.M.

for the irrigation of 0.4 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 8.6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, 2.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 19.9 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 19 South, Range 1 West, W.M., with a date of priority of July 20, 1962, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1967.

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

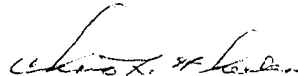
It is FURTHER ORDERED that the following provision shall be effective when in the judgment of the watermaster it becomes necessary to install head-gates and measuring devices.

That the diversion 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 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 upon receipt of proof satisfactory to the State Engineer of completion of the authorized changes in places of use and points of diversion, certificates of water right shall be issued to James R. Wiemers confirming the changes in places of use and points of diversion and certificates heretofore issued to James R. Wiemers and recorded at page 24119, Volume 17, and 31883, Volume 23, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 8th day of July 1966.



CHRIS L. WHEELER
State Engineer