

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION )  
OF DANNY LLOYD SUMMERS FOR AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3739

On July 27, 1977, an application was filed in the office of the Water Resources Director by Danny Lloyd Summers for approval of a change in point of diversion from East Fork Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 44306, Volume 36, State Record of Water Right Certificates, in the names of C. E. Whittier and Loy Yokum, describes a right which includes the use of not to exceed 0.24 cubic foot per second from East Fork Williams Creek for irrigation of a certain 10.3 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 4.32 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2; 3.50 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, Township 39 South, Range 5 West, W.M., with a date of priority of September 10, 1915.

Water for the said right is diverted from a point located 500 feet North and 400 feet West from the Southeast Corner of Section 3, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 3.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1320 feet North and 630 feet West from the Southeast Corner of Section 3, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 3.

Mr. Robert B. Steimer, 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 of water from East Fork Williams Creek, 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, and shall not exceed 0.24 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:

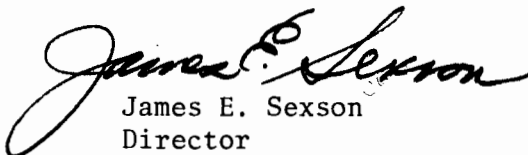
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to C. E. Whittier and Loy Yokum and recorded at page 44306, Volume 36, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, 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 13th day of December, 1977.

  
James E. Sexson  
Director