

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF C. J. MOSER FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM SUCKER CREEK. )

O R D E R

APPROVING APPLICATION

On February 16, 1954 C. J. Moser of Grants Pass, Oregon filed an application 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.

In the proceedings for the determination of the relative rights to the use of the waters of Sucker Creek and its tributaries, a water right was adjudicated in the name of Mary Ellen Leonard for domestic and stock purposes and the irrigation of 13 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 11 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 35 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 34 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31, and 18 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 14 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, Township 39 South, Range 7 West, W. M., from Sucker Creek with a date of priority of 1865, and for the irrigation of 27.25 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 3 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 3.3 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31, Township 39 South, Range 7 West, W. M., from Sucker Creek with a date of priority of 1908. All of the foresaid lands are irrigated through the Mill Race Ditch, the point of diversion of said ditch being located 250 feet south and 100 feet west from the north quarter corner of Section 32, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 32, Township 39 South, Range 7 West, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion for the irrigation of said lands to a point to be located 1580 feet north and 1000 feet east from the south quarter corner of Section 29, and being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 29, Township 39 South, Range 7 West, W. M.

Notice by publication as provided by ORS 540.520 was given in the Grants Pass Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks, being the issues of March 12, 19 and 26, 1954. The time for hearing as fixed in the notice, namely: May 7, 1954, was not less than thirty days after the last publication of the notice.

Mr. Tom R. Pearce, Watermaster of District No. 16, has submitted a report to the effect that the proposed change in point of diversion of water from Sucker Creek may be made without injury to existing rights.

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

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 250 feet south and 100 feet west from the north quarter corner of Section 32, and being within the  $NE\frac{1}{4}NW\frac{1}{4}$ , said Section 32, Township 39 South, Range 7 West, W. M.,

To a point to be located 1580 feet north and 1000 feet east from the south quarter corner of Section 29, and being within the  $NW\frac{1}{4}SE\frac{1}{4}$ , Section 29, Township 39 South, Range 7 West, W. M.,

for the irrigation of 13 acres in the  $SE\frac{1}{4}NE\frac{1}{4}$ , 11 acres in the  $NE\frac{1}{4}SE\frac{1}{4}$ , 35 acres in the  $NW\frac{1}{4}SE\frac{1}{4}$  and 34 acres in the  $SW\frac{1}{4}SE\frac{1}{4}$ , Section 31, and 18 acres in the  $SW\frac{1}{4}NW\frac{1}{4}$  and 14 acres in the  $NW\frac{1}{4}SW\frac{1}{4}$ , Section 32, Township 39 South, Range 7 West, W. M., with a date of priority of 1865, and 27.25 acres in the  $NE\frac{1}{4}SE\frac{1}{4}$ , 3 acres in the  $SW\frac{1}{4}SE\frac{1}{4}$  and 3.3 acres in the  $SE\frac{1}{4}SE\frac{1}{4}$ , Section 31, Township 39 South, Range 7 West, W. M., with a date of priority of 1908, be and the same hereby is approved.

It is FURTHER ORDERED that the change in point of diversion of water shall be completed on or before October 1, 1954 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.

Dated at Salem, Oregon this 10th day of May 1954.

*Chas E Stricklin*  
CHAS. E. STRICKLIN  
State Engineer

*Noted on Findings*

*Vol. 1, p. 253 and Vol. 5, p. 397*

*Cert. 7139*