

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF RAYMOND & EMMA PRICE AND LELA)
L. PLUMLEE FOR APPROVAL OF CHANGES)
IN POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3976

On June 19, 1978, an application was filed in the office of the Water Resources Director by Raymond and Emma Price and Lela L. Plumlee for approval of changes in point of diversion from Deer Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 3907, Volume 5, State Record of Water Right Certificates, in the name of W. A. Hogue, describes a right which includes the use of not to exceed 0.13 cubic foot per second from Deer Creek for irrigation of 10.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 38 South, Range 8 West, W.M., with a date of priority of October 18, 1919.

The authorized point of diversion of record for said right is located 1025 feet South and 35 feet East from the Center Corner of Section 11, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 38 South, Range 8 West, W.M.

The applicants herein propose to change the point of diversion therefrom, without loss of priority, to two points of diversion located: (1) 810 feet South and 350 feet West from the Center Corner of Section 11, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 38 South, Range 8 West, W.M., for the irrigation of 5.15 acres of the lands above described owned by Raymond and Emma Price; and (2) 810 feet South and 555 feet West from the Center Corner of Section 11, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 38 South, Range 8 West, W.M., for the irrigation of 5.15 acres of the lands above described owned by Lela L. Plumlee.

Mr. Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed changes in points of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in points of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.13 cubic foot per second.

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:

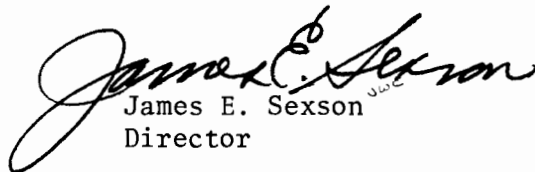
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 changes 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 W. A. Hogue and recorded at page 3907, Volume 5, 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 applicants herein.

Dated at Salem, Oregon this 5th day of September, 1978.


James E. Sexson
Director