

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF PACIFIC VENTURES, INC. FOR )  
THE APPROVAL OF A CHANGE IN POINT )  
OF DIVERSION OF WATER FROM SUCKER )  
CREEK ----- )

ORDER APPROVING  
TRANSFER NO. P-83

On April 8, 1966, Pacific Ventures, Inc. 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.

By Decree of the Circuit Court for Josephine County, Oregon, entered May 27, 1913, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Sucker Creek and its Tributaries, a water right was established in the name of W. L. Babcock for the use of 0.75 cubic foot per second for the irrigation of 37 acres with a date of priority of 1893, and 0.5 cubic foot per second for the irrigation of 25 acres with a date of priority of 1872, of the waters of Sucker Creek, for the irrigation of 4.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 10.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 26.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 2.0 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 31, Township 39 South, Range 7 West, W.M., and 20.0 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 36, Township 39 South, Range 8 West, W.M. This right was confirmed by certificate recorded at page 7121, Volume 7, State Record of Water Right Certificates.

The water is conveyed to these lands by means of the Kieffer Trumble Ditch, the point of diversion being located 350 feet north and 1400 feet east from the center of Section 31, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 31, Township 39 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located south 33 degrees west 385 feet from the center of Section 31, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 31, 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: at the county courthouse at Grants Pass, Oregon, on July 20, 1966, at 9:30 a.m. The notice was published in the Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of May 25, June 1 and 8, 1966. The Date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. Steimer, Watermaster of District No. 14, 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.

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.

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

From a point located 500 feet north and 1400 feet east from the center of Section 31, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 31, Township 39 South, Range 7 West, W.M.

To a point to be located south 33 degrees west 385 feet from the center of Section 31, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 31, Township 39 South, Range 7 West, W.M.

for the irrigation of 4.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 10.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 26.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 2.0 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 31, Township 39 South, Range 7 West, W.M. and 20.0 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 36, Township 39 South, Range 8 West, W.M., with dates of priority of 1872 and 1893, is approved.

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, 1967.

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.

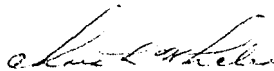
It is FURTHER ORDERED that the following provision shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include 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 certificate of water right heretofore issued to W. L. Babcock and recorded at page 7121, Volume 7, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Pacific Ventures, Inc. confirming the change in point of diversion.

Dated at Salem, Oregon this 16th day of August, 1966.

  
CHRIS L. WHEELER  
State Engineer