

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF)
EUGENE LAFORCE FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER NO. 4417

On March 4, 1980, an application was filed in the office of the Water Resources Director by Eugene La Force for approval of a change in point of diversion from Sucker Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is a portion of the right described by the certificate recorded at page 7162, Volume 7, State Record of Water Right Certificates, in the name of W. H. Wisecarver, and is for the use of not to exceed 1.02 cubic feet per second from Sucker Creek; under a priority date of 1889, for irrigation of a certain 11.5 acres in NW 1/4 NW 1/4, 5.0 acres in SW 1/4 NW 1/4, Section 27; 27.5 acres in NE 1/4 NE 1/4 and 7.0 acres in SE 1/4 NE 1/4, Section 28 and for the use of not to exceed 0.62 cubic foot per second from Sucker Creek, with a priority date of 1908 for irrigation of a certain 5.0 acres in NW 1/4 NW 1/4, 14.0 acres in SW 1/4 NW 1/4, Section 27; and 31.0 acres in SE 1/4 NE 1/4, Section 28, Township 39 South, Range 7 West, W.M.

The authorized point of diversion is located 1300 feet South and 200 feet East from the Center of Section 22, being within the NW 1/4 SE 1/4 of Section 22, Township 39 South, Range 7 West, W.M. (Wisecarver Ditch).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 130 feet South and 1070 feet West from the Northeast Corner of Section 28, being within the NE 1/4 NE 1/4 of Section 28, Township 39 South, Range 7 West, W.M..

Notice of the application, pursuant to ORS 540.520(2), was published in the Illinois Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of March 13, 20 and 27, 1980.

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, 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.

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:

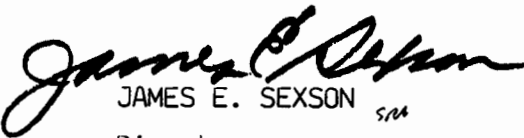
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 change in point of diversion of water made on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 7162, Volume 7, 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 9th day of May, 1980.


JAMES E. SEXSON *sm*
Director