

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }  
OF BILL BEHLER FOR THE APPROVAL }  
OF A CHANGE IN POINT OF DIVERSION }  
OF WATER FROM INDIAN CREEK }  
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ORDER APPROVING  
TRANSFER NO. 3366

On February 27, 1976, Bill Behler filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Indian Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Eleanora Brewer and recorded at Page 26937, Volume 19, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.18 cubic foot per second of water from Indian Creek for the irrigation of, among other lands, 13.2 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 23, Township 34 South, Range 1 West, W.M., with a date of priority of June 16, 1953. These lands are irrigated by means of the Brewer ditch from a point of diversion located 1030 feet South and 60 feet West from the East quarter-corner of Section 23, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 23, Township 34 South, Range 1 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 220 feet North and 3270 feet West from the East quarter-corner of Section 23, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 23, Township 34 South, Range 1 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 in Medford, Oregon, on May 6, 1976, at 9:30 a.m. The

notice was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of March 12, 19 and 26, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, 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 objection 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 change in point of diversion of water from Indian Creek, to wit:

From a point located 1030 feet South and 60 feet West from the East quarter-corner of Section 23, being within the  $NE\frac{1}{4}$   $SE\frac{1}{4}$  of Section 23, Township 34 South, Range 1 West, W.M.

To a point to be located 220 feet North and 3270 feet West from the East quarter-corner of Section 23, being within the  $SE\frac{1}{4}$   $NW\frac{1}{4}$  of Section 23, Township 34 South, Range 1 West, W.M.

for the irrigation of 13.2 acres in  $SE\frac{1}{4}$   $NW\frac{1}{4}$ , Section 23, Township 34 South, Range 1 West, W.M., with a date of priority of June 16, 1953, 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, 1977.

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, and shall not exceed 0.167 cubic foot per second.

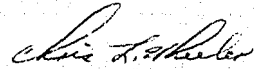
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

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 certificate of water right heretofore issued to Eleanora Brewer and recorded at Page 26937, Volume 19, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Bill Behler confirming the change in point of diversion.

Dated at Salem, Oregon, this 4th day of June, 1976.

  
DEPUTY  
JAMES E. SEXSON  
Director