

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF BENSON J. AND LEONE A.)
BENJAMIN FOR THE APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM DEER CREEK.)

O R D E R
APPROVING APPLICATION

On August 14, 1959, Benson J. and Leone A. Benjamin of Selma, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Deer Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to W. O. and H. T. Haberman and recorded at page 6067, Volume 6, State Record of Water Right Certificates, confirms a right under Permit No. 4255 for the use of the waters of Deer Creek for the irrigation of 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 20 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 38 South, Range 8 West, W. M., with a date of priority of April 8, 1919. These lands are irrigated through an unnamed ditch, the point of diversion of said ditch being located 990 feet east and 165 feet south from the northwest corner of Section 14, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 14, Township 38 South, Range 8 West, W. M.

The applicants herein, owners of the lands above described, propose to irrigate said lands by means of two pumping stations, one to be located 360 feet north and 650 feet west from the south quarter corner of Section 10, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 10, Township 38 South, Range 8 West, W. M., and one to be located 1320 feet north and 200 feet east from the southwest corner of Section 10, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 10, Township 38 South, Range 8 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 Grants Pass, Oregon, on November 12, 1959, beginning at 9:00 o'clock a.m. The notice 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 September 17, 24 and October 1, 1959. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. George W. Thrasher, Watermaster of District No. 16, 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 hereby is ORDERED that the proposed change in point of diversion of water from Deer Creek, to-wit:

From a point located 990 feet east and 165 feet south from the northwest corner of Section 14, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 14, Township 38 South, Range 8 West, W. M.,

To a point to be located 360 feet north and 650 feet west from the south quarter corner of Section 10, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 10, Township 38 South, Range 8 West, W. M., and

To a point to be located 1320 feet north and 200 feet east from the southwest corner of Section 10, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 10, Township 38 South, Range 8 West, W. M.,

for the irrigation of 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 20 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 38 South, Range 8 West, W. M., with a date of priority of April 8, 1919, be and the same 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, 1960 or within such extension of time as may be granted by the State Engineer for good cause shown.

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 provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices.

That the pumping plant and related 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 of Josephine County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 1st day of December, 1959.

*Noted on Cert. #6067
and App. #6480*

Tranf. B-113



LEWIS A. STANLEY
State Engineer