

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF WILLIAM OWEN HALE FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM LITTLE)
PICKETT CREEK)

ORDER APPROVING
TRANSFER NO. H-155

On April 7, 1965, William Owen Hale of Grants Pass, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Little Pickett Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John H. McIrvin and recorded at page 20165, Volume 14, State Record of Water Right Certificates, confirming a right to the use of the waters of Little Pickett Creek for the irrigation of, among other lands, 4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, and 9 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 35 South, Range 7 West, W.M., with a date of priority of July 21, 1943. These lands are irrigated from a point of diversion located 600 feet north and 400 feet east from the SW corner of Section 23, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 23, Township 35 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to three points to be located: (1) 700 feet north from the S $\frac{1}{4}$ corner of Section 23, (2) 700 feet north and 330 feet east of the S $\frac{1}{4}$ corner of Section 23, and (3) 700 feet north and 660 feet east of the S $\frac{1}{4}$ corner of Section 23, Township 35 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 15, 1965, at 9:30 a.m. The notice was published in the Grants Pass Bulletin, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the

issues of May 20, 27 and June 3, 1965. 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 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 Little Pickett Creek, to-wit:

From a point located 600 feet north and 400 feet east from the SW corner of Section 23, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 23, Township 35 South, Range 7 West, W.M.

To a point to be located 700 feet north from the S $\frac{1}{4}$ corner of Section 23,

for the irrigation of 4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 35 South, Range 7 West, W.M.,

To a point to be located 700 feet north and 330 feet east of the S $\frac{1}{4}$ corner of Section 23,

for the irrigation of 4.5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 35 South, Range 7 West, W.M., and

To a point to be located 700 feet north and 660 feet east from the S $\frac{1}{4}$ corner of Section 23, Township 35 South, Range 7 West, W.M.

for the irrigation of 4.5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 35 South, Range 7 West, W.M., with a date of priority of July 21, 1943, 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, 1966.

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 0.163 cubic foot per second, further limited to 1/80th of one cubic foot per second for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre feet per acre for each acre irrigated during the irrigation season of April 2, to October 31, of each year.

° It is FURTHER ORDERED that the following provision shall be effective when in the judgement 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 upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, certificate of water right shall be issued to William Owen Hale confirming said change in point of diversion and a new certificate shall be issued covering the balance of the lands not involved in this proceeding, and certificate of water right heretofore issued to John H. McIrvin and recorded at page 20165, Volume 14, State Record of Water Right Certificates shall be canceled.

Dated at Salem, Oregon, this 10th day of August, 1965.



CHRIS L. WHEELER
State Engineer