

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF DEAN M. AND REBECCA K. GARDINER)
FOR APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4418

On March 4, 1980, an application was filed in the office of the Water Resources Director by Dean M. and Rebecca K. Gardiner for approval of a change in point of diversion of water from East Fork Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4927, Volume 5, State Record of Water Right Certificates, in the name of Nelson H. Warner, describes a right for the use of not to exceed 0.38 cubic foot per second from East Fork Williams Creek for irrigation of a certain 30.0 acres in SE 1/4 NE 1/4 of Section 3, Township 39 South, Range 5 West, W.M., with a date of priority of July 7, 1916.

The certificate recorded at page 29514, Volume 21 of said record, in the names of Loy and Lena Yokum, describes a right which includes the use of not to exceed 0.04 cubic foot per second from East Fork Williams Creek for irrigation of a certain 1.6 acres in SW 1/4 NW 1/4 of Section 2, Township 39 South, Range 5 West, W.M., with a date of priority of October 17, 1956.

Water for the said rights is diverted, through the Yokum Ditch, from a point located 680 feet North and 550 feet West from the Southeast Corner of Section 3, being within the SE 1/4 SE 1/4 of Section 3, Township 39 South, Range 5 West, W.M.

The applicants herein, contract buyers of the lands above described, propose to change the point of diversion therefrom to a point located 790 feet North and 1310 feet West from the East Quarter Corner of Section 3, being within the SE 1/4 NE 1/4 of Section 3, Township 39 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), 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 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 certificates recorded at page 4927, Volume 5 and page 29514, Volume 21, State Record of Water Right Certificates, are canceled; and in lieu thereof a new certificate be issued covering the balance of the right allowed by certificate 29514 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, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 30th day of May, 1980.

A handwritten signature in cursive script, appearing to read "James E. Sexson", written in dark ink.

JAMES E. SEXSON
Director