

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF JOHN L. IKER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM EAST FORK ILLINOIS)
RIVER)

ORDER APPROVING
TRANSFER NO. 3376

On March 19, 1976, John L. Iker filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from East Fork Illinois River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Guy Fetterly and recorded at Page 13855, Volume 12, State Record of Water Right Certificates, confirms a right to the use of water from East Fork of Illinois River for the irrigation of, among other lands, 11.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.20 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 40 South, Range 8 West, W.M., with a date of priority of 1857. These lands are irrigated by means of the Bennett ditch from a point of diversion located 2640 feet South and 1360 feet East from the Northwest corner of Section 14, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 40 South, Range 8 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 235 feet South and 1300 feet West from the center corner of Section 11, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 40 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 June 1, 1976, at 9:30 a.m.

The notice was published in the Cave Junction Illinois Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of April 7, 14 and 21, 1976. 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 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 East Fork Illinois River, to wit:

From a point located 2640 feet South and 1360 feet East from the Northwest corner of Section 14, being within the $SE\frac{1}{4}$ $NW\frac{1}{4}$ of Section 14, Township 40 South, Range 8 West, W.M.

To a point to be located 235 feet South and 1300 feet West from the center corner of Section 11, being within the $NE\frac{1}{4}$ $SW\frac{1}{4}$ of Section 11, Township 40 South, Range 8 West, W.M.

for the irrigation of 11.5 acres in $NE\frac{1}{4}$ $SW\frac{1}{4}$ and 0.20 acre in $NW\frac{1}{4}$ $SE\frac{1}{4}$, Section 11, Township 40 South, Range 8 West, W.M., with a date of priority of 1857, 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 one cubic foot per second for each 50 acres of land irrigated during the irrigation season from April 1 to November 1 of each year.

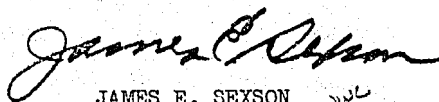
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include 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 Guy Fetterly and recorded at Page 13855, Volume 12, 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 John L. Iker confirming the change in point of diversion.

Dated at Salem, Oregon, this 13th day of July, 1976.



JAMES E. SEXSON
Director