

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF LARRY T. McVEY FOR THE APPROVAL )  
OF CHANGES IN USE AND POINT OF )  
DIVERSION OF WATER FROM WEST FORK )  
WILLIAMS CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3357

On January 30, 1976, Larry T. McVey filed an application in the office of the Water Resources Director for the approval of a change in point of diversion and character of use of water from West Fork of Williams Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 43766, Volume 35, State Record of Water Right Certificates, in the name of Charles H. Retzloff, Richard W. and Vivian C. Lathan and Rondel C. Bridges, describes an existing right of record which includes the use of not to exceed 0.085 cubic foot per second from West Fork of Williams Creek for the irrigation of 2.9 acres in Lot 18 (Lots cited herein refer to lots within the Retzloff Partition of the NW $\frac{1}{4}$  of Section 3, Township 39 South, Range 5 West, W.M., recorded in Josephine County) and 0.2 acre in Lot 19, within SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 2.0 acres in Lot 19 within SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 3, Township 9 South, Range 5 West, W.M., with a date of priority of 1875.

Water for the said right is diverted through the Chapman ditch from a point located 440 feet South and 1200 feet West from the East quarter-corner of Section 4, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 4, Township 39 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the character of use of 0.005 cubic foot per second from the irrigation of 0.5 acre in Lot 19 within SE $\frac{1}{4}$  NW $\frac{1}{4}$  to

domestic use for one family, during the irrigation season, in said Lot 19 within SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 3, Township 39 South, Range 5 West, W.M., and to change from the said diversion point to a new point located 780 feet North and 1400 feet East from the West quarter-corner of Section 3, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 3, Township 39 South, Range 5 West, W.M., for domestic use and irrigation of the remaining lands above described.

Notice of the application, pursuant to ORS 540.510 was published in the Grants Pass Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of November 19, 26 and December 3, 1976.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a statement to the effect that the proposed changes in use and point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed changes in use and 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 changes in use heretofore made and point of diversion of water from West Fork Williams Creek 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, and shall not exceed 0.005 cubic foot per second for domestic use and 0.08 cubic foot per second for irrigation.

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:

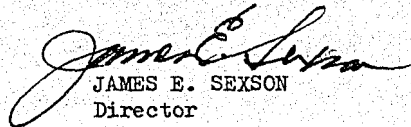
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and the change in point of diversion of water made, and said water so transferred shall be applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Charles H. Retzloff, Richard W. and Vivian C. Lathan and Rondel C. Bridges and recorded at Page 43766, Volume 35, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right 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, a confirming certificate of water right shall be issued to Larry T. McVey.

Dated at Salem, Oregon, this 15th day of February, 1977.

  
JAMES E. SEXSON  
Director