

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION )  
OF ROUGH AND READY TIMBER )  
COMPANY FOR APPROVAL OF A CHANGE )  
IN POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER 5229

On April 1, 1983, an application was filed in the office of the Water Resources Director by Rough and Ready Timber Company for approval of a change in point of diversion of water from West Fork Illinois River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered September 26, 1939, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Illinois River and Its Tributaries, a water right was established in the name of John A. Hill, tabulated in Volume 13, page 110, Order Record of the Water Resources Director, for use of the waters of West Fork Illinois River for irrigation of, among other lands, a certain 0.8 acre in NW 1/4 NW 1/4 and 7.8 acres in SW 1/4 NW 1/4, Section 28, Township 39 South, Range 8 West, WM with a date of priority of 1905, as evidenced by the certificate recorded at page 13876, Volume 12, State Record of Water Right Certificates.

Water for the said right is diverted, through the Hill Ditch, from a point located 585 feet South and 1212 feet West from the West Quarter Corner of Section 28, being within the NE 1/4 SE 1/4 of Section 29, Township 39 South, Range 8 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom without loss of priority, to a point located 788 feet North and 10 feet East from the West Quarter Corner of Section 28, being within the SW 1/4 SW 1/4 of Section 28, Township 39 South, Range 8 West, WM.

Notice of the application, pursuant to ORS 540.520(2), 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 April 14, 21 and 28, 1983.

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 and shall not exceed one-fiftieth cubic foot per second per acre irrigated from April 1 to November 1.

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, 1984.

It is FURTHER ORDERED that the certificate recorded at page 13876, Volume 12, State Record of Water Right Certificates, is canceled; 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 the applicant herein.

Dated at Salem, Oregon this 10th day of June, 1983.

  
JAMES E. SEXSON  
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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