

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF W.L. WELBOURNE FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM PICKETT CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 4220

On May 14, 1979, an application was filed in the office of the Water Resources Director by W. L. Welbourne for approval of a change in point of diversion, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 815, Volume 1, State Record of Water Right Certificates, in the name of Christopher C. English, describes a right which includes the use of not to exceed 0.03 cubic foot per second from Pickett Creek for irrigation of a certain 2.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 35 South, Range 7 West, W.M., with a date of priority of January 5, 1911.

Water for the said right is diverted, through the Dunn and English Ditch, from a point located 1160 feet South and 60 feet East from the Center Corner of Section 27, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 35 South, Range 7 West, W.M.

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 230 feet North and 1000 feet East from the Center Corner of Section 26, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 35 South, Range 7 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 June 5, 12 and 19, 1979.

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 changes 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:

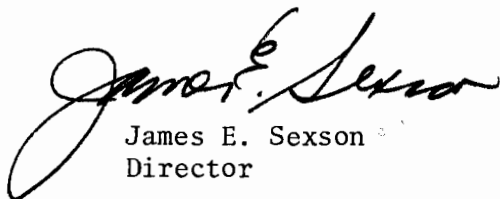
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1980.

It is FURTHER ORDERED that the certificate recorded at page 815, Volume 1, 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 the applicant herein.

Dated at Salem, Oregon this 20th day of August, 1979.


James E. Sexson
Director