

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF R. L. HAMMER FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE AND )  
POINT OF DIVERSION OF WATER FROM )  
CLEAR CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2591

On December 5, 1971, R. L. Hammer filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Clear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to R. L. Hammer & Company, by R. L. Hammer, Jr., and recorded at page 12241, Volume 11, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.19 cubic foot per second with a date of priority of April 27, 1933, and 0.11 cubic foot per second with a date of priority of June 8, 1933, from Clear Creek, for the irrigation of, among other lands, 2.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 38 South, Range 8 West, W.M. These lands are irrigated from a point of diversion located 230 feet North and 650 feet West from the North  $\frac{1}{4}$  corner of Section 11, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 38 South, Range 8 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and divert the water for irrigation through a pump from a point located 1540 feet North and 1200 feet West from the center of Section 11, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, Township 38 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 July 26, 1972, at 9:30 a.m. The notice was published in the Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of June 1, 8, and 15, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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

No objections having been filed and it appearing that the proposed change in place of 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 change in place of use of water is approved and the water right hereinbefore described as appurtenant to 0.5 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 38 South, Range 8 West, W.M., with dates of priority of April 27, 1933 and June 8, 1933, be severed therefrom and simultaneously and without loss of priority transferred to 0.5 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 38 South, Range 8 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Clear Creek, to-wit:

From a point located 230 feet North and 650 feet West from the North  $\frac{1}{4}$  corner of Section 11, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 38 South, Range 8 West, W.M.

To a point to be located 1540 feet North and 1200 feet West from the center corner of Section 11, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, Township 38 South, Range 8 West, W.M.

for the irrigation of 0.5 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, together with 1.5 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 38 South, Range 8 West, W.M., with dates of priority of April 27, 1933, and June 8, 1933, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1973.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.026 cubic foot per second with a priority date of April 27, 1933, and 0.014 cubic foot per second with a priority date of June 8, 1933.

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.

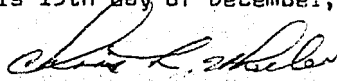
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Warren S. and Virginia B. Morse have filed an application for approval of a change in point of diversion for the irrigation of 1.0 acres of the right evidenced by the certificate recorded at page 12241, Volume 11, State Record of Water Right Certificates.

It is FURTHER ORDERED that certificate of water right heretofore issued to R. L. Hammer & Co., by R. L. Hammer, Jr., and recorded at page 12241, Volume 11, 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 excluding the

lands described in the application of Warren S. and Virginia B. Morse, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, and place of use, a certificate of water right shall be issued to R.L. Hammer confirming the extent the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 13th day of December, 1972.



CHRIS L. WHEELER  
State Engineer 4