

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF WARREN S. MORSE AND VIRGINIA B.)
MORSE FOR THE APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER FROM)
CLEAR CREEK)

ORDER APPROVING
TRANSFER NO. 31

On July 31, 1972, Warren S. Morse and Virginia B. Morse 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, and 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, 1.0 acre 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 divert the water for irrigation through a pump from a point located 1385 feet North and 1245 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 November 14, 1972, at 9:30 a.m. The notice 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 September 21, 28, and October 5, 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 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 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 1385 feet North and 1245 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 1.0 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, 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, 1973.

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 0.013

cubic foot per second with a date of priority of April 27, 1935 and 0.007 cubic foot per second with a date of priority 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.

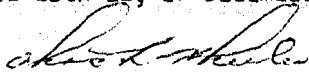
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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.

The Order of the State Engineer entered December 13, 1972, approved an application of R. L. Hammer for a change in point of diversion for the irrigation of 2.0 acres, and canceled the certificate recorded at page 12241, Volume 11, State Record of Water Right Certificates.

It is FURTHER ORDERED that on receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Warren S. and Virginia B. Morse confirming said change in point of diversion.

Dated at Salem, Oregon, this 18th day of December, 1972.


CHRIS L. WHEELER
State Engineer ✓