

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION
OF WALTER N. AND LOUISE F. BAAS
FOR THE APPROVAL OF A CHANGE IN
POINT OF DIVERSION AND PLACE OF USE
OF WATER FROM FRENCH GULCH

ORDER APPROVING
TRANSFER NO. 3155

On January 6, 1975, Walter N. and Louise F. Baas filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from French Gulch, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Edward Jordan and recorded at Page 2887, Volume 4, State Record of water Right Certificates, confirms a right to the use of not to exceed 0.08 cubic foot per second of water from French Gulch for the irrigation of, among other lands, 4.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 33 South, Range 6 West, W.M., with a date of priority of April 24, 1919. These lands are irrigated from a point of diversion located 1980 feet South and 165 feet East from the Northwest corner of Section 26, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 33 South, Range 6 West, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use to 4.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, and to irrigate these lands from a point of diversion to be located 770 feet South and 340 feet East from the Northwest corner of Section 26, being within NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 33 South, Range 6 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water

of less than one-fourth mile where there are no intervening diversions, nor is notice for publication required for a change in place of use of water.

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

No objections having been filed and it appearing that the proposed change in point of diversion and place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from French Gulch, to wit:

From a point located 1980 feet South and 165 feet East from the Northwest corner of Section 26, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 33 South, Range 6 West, W.M.

To a point to be located 770 feet South and 340 feet East from the Northwest corner of Section 26, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 33 South, Range 6 West, W.M.

for the irrigation of 4.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 33 South, Range 6 West, W.M., with a date of priority of April 24, 1919, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion and place of use of water made on or before October 1, 1976.

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 .053 cubic foot per second.


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.

It is FURTHER ORDERED that certificate of water right heretofore issued to Edward Jordan and recorded at Page 2887, Volume 4, 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 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 Walter N. and Louise F. Baas, confirming the change in point of diversion and place of use.

Dated at Salem, Oregon, this 12th day of June, 1975.


CHRIS L. WHEELER
State Engineer