

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION )  
OF DEAN S. MAYFIELD FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER )  
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ORDER APPROVING  
TRANSFER 4667

On December 29, 1980, an application was filed in the office of the Water Resources Director by Dean S. Mayfield for approval of a change in point of diversion of water from Sucker Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered May 27, 1913, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Sucker Creek and Its Tributaries, a water right was established in the name of Ed McCann, tabulated in Volume 1, page 253, Order Record of the Water Resources Director, for use of waters of Sucker Creek for irrigation of, among other lands, a certain 2.0 acres in NE 1/4 NW 1/4, Section 5, Township 40 South, Range 7 West, WM, with a priority date of 1875, as evidenced by the certificate recorded at page 7144, Volume 7, State Record of Water Right Certificates.

Water for the said right is diverted, through the Gates-McCann Ditch, from a point located 530 feet North and 610 feet West from the SE Corner of Section 21, being within the SE 1/4 SE 1/4, Section 21, Township 39 South, Range 7 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located 300 feet South and 10 feet East from the Center of Section 22, being within the NW 1/4 SE 1/4, Section 22, Township 39 South, Range 7 West, WM (Holland Ditch).

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 February 5, 12 and 19, 1981.

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 0.04 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

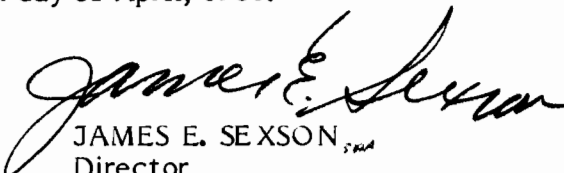
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1982.

It is FURTHER ORDERED that the certificate recorded at page 7144, Volume 7, 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 15th day of April, 1981.

  
JAMES E. SEXSON, SR.  
Director