

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF HENRY P. HEKKALA FOR THE AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM EAST FORK )  
ILLINOIS RIVER )  
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ORDER APPROVING  
TRANSFER NO. H-193

On January 6, 1969, Henry P. Hekkala filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from East Fork Illinois River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered September 26, 1939, In the Matter of the Determination of the Relative Rights to the Use of the waters of Illinois River and its Tributaries, a water right was established in the name of W. O. Kohler for the use of the waters of East Fork Illinois River for the irrigation of, among other lands, 3.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, Township 40 South, Range 8 West, W.M., with a date of priority of 1907. This right is evidenced by certificate recorded at page 13884, Volume 12, State Record of Water Right Certificates.

Certificate of water right issued to C. C. Babcock and recorded at page 12313, Volume 11, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.27 cubic foot per second of water from East Fork Illinois River for the irrigation of, among other lands, 11.2 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, Township 40 South, Range 8 West, W.M., with a date of priority of January 30, 1920.

These lands are irrigated by means of a ditch from a point of diversion located 10 feet north and 1320 feet east from the W $\frac{1}{4}$  corner of Section 14 being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14,

Township 40 South, Range 8 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1600 feet south and 1300 feet east from the W $\frac{1}{4}$  corner of Section 2 being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 40 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 April 17, 1969, at 9:30 a.m. The notice 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 February 19, 26, and March 5, 1969. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a report to the effect that the proposed change in 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 point of diversion of water 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 East Fork Illinois River, to-wit:

From a point located 10 feet north and 1320 feet east from the W $\frac{1}{4}$  corner of Section 14 being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, Township 40 South, Range 8 West, W.M.

To a point to be located 1600 feet south and 1300 feet east from the W $\frac{1}{4}$  corner of Section 2 being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 40 South, Range 8 West, W.M.

for the irrigation of 3.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , with a date of priority of 1907, and 11.2 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , with a date of priority of 1920, Section 2, Township 40 South, Range 8 West, W.M., 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, 1970.

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 0.14 cubic foot per second for the irrigation of the above described 11.2 acres, with a date of priority of January 30, 1920, and one cubic foot per second for each 5.1 acres of land irrigated during the irrigation season from April 1 to November 1 of each year for the irrigation of the above described 3 acres, with a date of priority of 1907.

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.

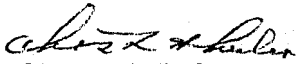
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to W. O. Kohler and recorded at page 13884, Volume 12, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate of water right 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, a certificate of water right

shall be issued to Henry P. Hekkala confirming said change in point of diversion.

It is FURTHER ORDERED that certificate of water right heretofore issued to C. C. Babcock and recorded at page 12313, Volume 11, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate of water right 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, a certificate of water right shall be issued to Henry P. Hekkala confirming said change in point of diversion.

Dated at Salem, Oregon, this 22nd day of August, 1969.

  
CHRIS L. WHEELER  
State Engineer