

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF DAVID J. KUBOUSHEK FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER NO. 4488

On April 25, 1980, an application was filed in the office of the Water Resources Director by David J. Kuboushek for approval of a change in point of diversion of water from West Fork Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 48462, Volume 42, State Record of Water Right Certificates, in the name of Charles H. Retzloff, et al, describes a right which includes the use of not to exceed 0.06 cubic foot per second from West Fork Williams Creek for irrigation of a certain 3.4 acres in SW 1/4 NW 1/4, Section 3, Township 39 South, Range 5 West, W.M., with a date of priority of 1875.

Water for the said right is diverted, through the Chapman Ditch, from a point located 440 feet South and 1200 feet West from the East Quarter Corner of Section 4, being within the NE 1/4 SE 1/4 of Section 4, Township 39 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 100 feet North and 650 feet East from the East Quarter Corner of Section 4, being within the SW 1/4 NW 1/4, Section 3, Township 39 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), 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 May 5, 12 and 19, 1980.

Mr. 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.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

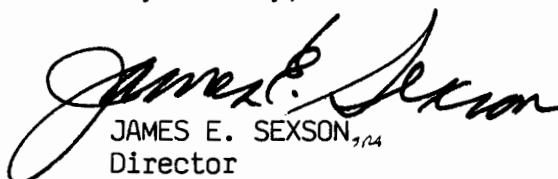
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 48462, Volume 42, 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 21st day of July, 1980.


JAMES E. SEXSON^{1/14}
Director