

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF CONRAD & GWENDOLYN SCHUBKEGEL)
FOR APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER _ _)

ORDER APPROVING
TRANSFER NO. 4216

On May 8, 1979, an application was filed in the office of the Water Resources Director by Conrad and Gwendolyn Schubkegel for approval of a change in point of diversion from East Fork Illinois River, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is a portion of the right described by the certificate recorded at page 43597, Volume 35, State Record of Water Right Certificates, in the name of Guy Fetterly, and is for the use of not to exceed 1.0 cubic foot per second for each 50.0 acres of land irrigated during the irrigation season from April 1 to November 1 of each year, from East Fork Illinois River, under a priority date of 1857, for irrigation of a certain 2.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 20.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 4.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.4 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 40 South, Range 8 West, W. M. The aforesaid 20.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ is also allowed supplemental irrigation from a spring under permit No. G-8435.

The authorized point of diversion is located 2640 feet South and 1360 feet East from the Northwest Corner of Section 14, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 40 South, Range 8 West, W. M. (Bennett Ditch).

The applicants propose to change the point of diversion therefrom, without loss of priority, to a point located 2770 feet South and 1400 feet East from the Northwest Corner of Section 11, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 40 South, Range 8 West, W. M.

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 October 4, 11, and 18, 1979.

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 said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate of water right recorded at page 43597, Volume 35, 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 applicants herein.

Dated at Salem, Oregon this 4th day of December, 1979.


James E. Sexson
Director

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