

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION )  
OF EDITH L. SOWELL FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. S-184

On June 7, 1966, an application, now in the name of Clifford Sowell, was filed in the office of the Water Resources Director for approval of a change in point of diversion from Braggs Slough (Kelly Creek), pursuant to the provisions of ORS 540.510 to 540.530.

Two rights were allowed in the name of J. G. Sowell to the waters of Braggs Slough by the May 27, 1913 Decree of the Court in the Matter of the Determination of the Relative Rights to the Waters of Sucker Creek, a Tributary of Illinois River:

(a) For the use of not to exceed 0.19 cubic foot per second with a priority date of 1908 for irrigation of a certain 15.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 26, Township 39 South, Range 8 West, W.M., as described by the certificate recorded at page 7154, Volume 7, State Record of Water Right Certificates;

(b) For the use of not to exceed 0.08 cubic foot per second with a date of priority of 1894 for irrigation of a certain 2.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 26, Township 39 South, Range 8 West, W.M. No certificate of water right was issued for this right.

The authorized point of diversion for both of said rights is located 400 feet South and 500 feet East from the Northwest Corner of Section 36, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 36, Township 39 South, Range 8 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion of record therefrom, without loss of priority, to an existing point located 520 feet South and 100 feet West from the North Quarter Corner of Section 36, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 36, Township 39 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 November 30

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and December 7 and 14, 1978.

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;

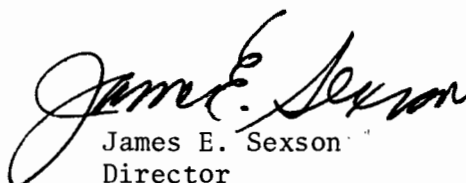
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 7154, Volume 7, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that upon proof made to the satisfaction of the Water Resources Director of completion of the change in point of diversion as authorized herein, a new certificate to describe the water rights as modified under the provisions of this order be issued to the applicant herein.

Dated at Salem, Oregon this 1st day of March, 1979.

  
James E. Sexson  
Director