

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF)
THOMAS K. EMONDS, WESLEY BROWN AND)
GARY BUCK FOR APPROVAL OF A CHANGE)
IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 5891

On December 22, 1986, an application was filed in the office of the Water Resources Director by Thomas K. Emonds, Wesley Brown and Gary Buck for approval of a change in place of use of water from Rough and Ready Creek and Parker Creek, 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 Joseph Farren, tabulated in Volume 13, page 106, Order Record of the Water Resources Director, for use of not to exceed one-fiftieth cubic foot per second per acre from Rough and Ready Creek for irrigation of, among other lands, a certain 6.6 acres in S 1/2 NE 1/4 SE 1/4, Section 12, Township 40 South, Range 9 West, WM, with a date of priority of September 15, 1899, as evidenced by the certificate recorded at page 40974, Volume 33, State Record of Water Right Certificates.

Water for the said right is diverted, through the Wing and Farren Ditch, from a point located 2000 feet North and 700 feet West from the South Quarter Corner of Section 14, being within the NE 1/4 SW 1/4 of Section 14, Township 40 South, Range 9 West, WM.

The certificate recorded at page 40972, Volume 33, State Record of Water Right Certificates, in the name of Thomas F. Chinn, et al, describes a right for the use of not to exceed 0.25 cubic foot per second from Rough and Ready Creek and 0.03 cubic foot per second from Parker Creek, for irrigation of a certain 14.0 acres in SE 1/4 SE 1/4, Section 12, Township 40 South, Range 9 West, WM, with a date of priority of June 21, 1938.

Water for the said right is diverted, through the Wing and Farren Ditch, from Rough and Ready Creek at a point located 2000 feet North and 700 feet West from the South Quarter Corner of Section 14, being within the NE 1/4 SE 1/4 of Section 14; and from Parker Creek at a point located 600 feet North and 500 feet West, from the South Quarter Corner of Section 12, being within the SE 1/4 SW 1/4 of Section 12, Township 40 South, Range 9 West, WM.

The applicants herein, owners of the lands above described, propose to change the place of use of the lands described in Certificate 40974 therefrom to irrigation of 4.4 acres in NE 1/4 SE 1/4 and 2.2 acres in SE 1/4 SE 1/4, Section 12, Township 40 South, Range 9 West, WM; and to change the place of use of the lands describes in Certificate 40972 to irrigation of 9.0 acres in NE 1/4 SE 1/4 and 4.6 acres in SE 1/4 SE 1/4, Section 12, Township 40 South, Range 9 West, WM, and 0.4 acre in NW 1/4 SW 1/4, Section 7, Township 40 South, Range 8 West, WM.

Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is approved, without loss of priority.

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:

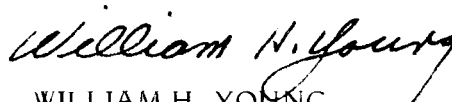
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 subject water right is hereby severed from the place of use described in Certificates 40972 and 40974, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the certificates recorded at pages 40972 and 40974, Volume 33, State Record of Water Right Certificates, are canceled; and in lieu thereof a new certificate be issued covering the balance of the right described by Certificate 40974 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, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon, this 17th day of February, 1987.


WILLIAM H. YOUNG,
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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