

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF HERBERT I. MAGEE FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM MUNGER CREEK)

ORDER APPROVING
APPLICATION NO. M-148

On August 7, 1963, Herbert I. Magee of Williams, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Munger Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to H. H. and E. M. Norton and recorded at page 3362, Volume 4, State Record of Water Right Certificates, confirms a right to the use of the waters of Munger Creek for the irrigation of, among other lands, 10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 24 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 25 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 38 South, Range 5 West, W. M., with a date of priority of May 25, 1916. These lands also have a right under the above certificate from John or Mule Creek, Marble Gulch and China Gulch for supplemental irrigation, which rights are not involved herein. The application for permit involved herein indicates these lands were to be irrigated through the Sites Ditch, the point of diversion of said ditch being located 330 feet north and 792 feet east from the W $\frac{1}{4}$ corner of Section 5, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 5, Township 39 South, Range 5 West, W. M. These lands have been for many years, and are now being, irrigated from the Hall Ditch, the point of diversion of said ditch being 200 feet north and 1330 feet east from the W $\frac{1}{4}$ corner of Section 5, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 5, Township 39 South, Range 5 West, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Varner Ditch from Munger Creek, the point of diversion of said ditch to be located 300 feet north and 2000 feet west from the E $\frac{1}{4}$ corner of Section 5, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 5, Township 39 South, Range 5 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 November 5, 1963, at 9:30 o'clock a.m. The notice 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 September 12, 19 and 26, 1963. 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 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 proposed change in point of diversion of water from Munger Creek, to-wit:

From a point located 330 feet north and 792 feet east from the $W\frac{1}{4}$ corner of Section 5, and being within the $SW\frac{1}{4} NW\frac{1}{4}$, said Section 5, Township 39 South, Range 5 West, W. M.

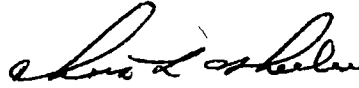
To a point located 300 feet north and 2000 feet west from the $E\frac{1}{4}$ corner of Section 5, and being within the $SE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$, said Section 5, Township 39 South, Range 5 West, W. M.

for the irrigation of 10 acres in the $SW\frac{1}{4} NE\frac{1}{4}$, 24 acres in the $SE\frac{1}{4} NW\frac{1}{4}$, 2.0 acres in the $NE\frac{1}{4} SW\frac{1}{4}$, and 25 acres in the $NW\frac{1}{4} SE\frac{1}{4}$, Section 34, Township 38 South, Range 5 West, W. M., with a date of priority of May 25, 1916, is approved.

It is FURTHER ORDERED that no time need be fixed for completion of construction, as the Varner Ditch is constructed and in operation.

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.

Dated at Salem, Oregon, this 31st day of March, 1964.



CHRIS L. WHEELER
State Engineer

Noted on records

App. # 4926

Cert. # 3362