

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF WILLIAM J. JR. AND MARILYN M.)
DOLAN FOR APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3811

On September 29, 1977, an application was filed in the office of the Water Resources Director by William J. Jr. and Marilyn M. Dolan for approval of a change in point of diversion from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 44304, Volume 36, State Record of Water Right Certificates, in the name of Albert C. Allen, Jr., describes a right which includes the use of not to exceed 0.09 cubic foot per second from Rogue River for irrigation of a certain 1.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 6.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 35 South, Range 1 West, W.M., with a date of priority of March 29, 1930.

Water for the said right is diverted from a point located 70 feet North and 1400 feet West from the East Quarter Corner of Section 31, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 2040 feet South and 455 feet West from the Northeast Corner of Section 31, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31.

Notice for the application, pursuant to ORS 540.510, was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of October 5, 12 and 19, 1977.

Mr. David C. Hendrix, 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, and shall not exceed 0.09 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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;

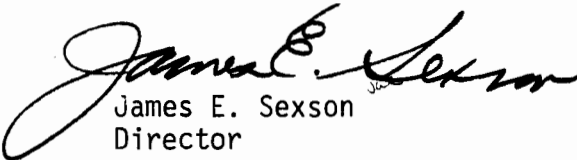
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1979.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered August 19, 1977, approving transfer application No. 3749, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein, a certificate of

water right shall be issued to the applicants herein confirming the change in point of diversion.

Dated at Salem, Oregon, this 30th day of November, 1977.


James E. Sexson
Director