

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF ALBERT C. ALLEN JR. FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE AND POINT OF DIVERSION OF)
WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. A-44

On March 28, 1968, Albert C. Allen Jr. filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Albert C. Allen and recorded at page 15562, Volume 10, State Record of Water Right Certificates, confirms a right for the use of, among other lands, 6.0 acres in NW¼ NE¼, 10.0 acres in NE¼ NW¼, and 13.0 acres in SE¼ NW¼, Section 31, Township 35 South, Range 1 West, W.M., with a date of priority of March 29, 1930. This land is irrigated by means of the Allen Pump, the point of diversion being located 150 feet south and 1660 feet west from the E¼ corner of Section 31 being within the NW¼ SE¼ of Section 31, Township 35 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom without loss of priority to 20.0 acres in S¼ NE¼ SW¼, 5.7 acres in SE¼ NW¼ SW¼, and 4.2 acres in SW¼ NW¼ SE¼, Section 31, Township 35 South, Range 1 West, W.M. and to irrigate these lands by means of a diversion point to be located 1160 feet south and 2390 feet west and a second diversion point to be located 860 feet south and 2235 feet west, both from the E¼ corner of Section 31 being within the NW¼ SE¼ of Section 31, Township 35 South, Range 1 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions, nor is publication of notice required for change in place of use.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in place of use and point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 6.9 acres in NW¼ NE¼, 10.0 acres in NE¼ NW¼, and 13.0 acres in SE¼ NW¼, Section 31, Township 35 South, Range 1 West, W.M., with a date of priority of March 29, 1930, be severed therefrom and simultaneously and without loss of priority transferred to 20.0 acres in S½ NE¼ SW¼, 5.7 acres in SE¼ NW¼ SW¼, and 4.2 acres in SW¼ NW¼ SE¼, Section 31, Township 35 South, Range 1 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Rogue River, to-wit:

From a point located 150 feet south and 1660 feet west from the E¼ corner of Section 31 being within the NW¼ SE¼ of Section 31, Township 35 South, Range 1 West, W.M.

To a point to be located 1160 feet south and 2390 feet west from the E¼ corner of Section 31 being within the NW¼ SE¼ of Section 31, Township 35 South, Range 1 West, W.M.

To a point to be located 860 feet south and 2235 feet west from the EW corner of Section 31 being within the NW¼ SE¼ of Section 31, Township 35 South, Range 1 West, W.M.

for the irrigation of 20.0 acres in SW NE¼ SW¼, 5.7 acres in SW NE¼ NW¼ SW¼, and 4.2 acres in SW¼ NW¼ SE¼, Section 31, Township 35 South, Range 1 West, W.M., with a date of priority of March 29, 1936, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1969.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.32 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.

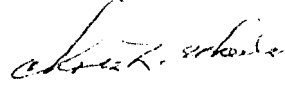
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 certificate of water right heretofore issued to Albert C. Allen and recorded at page 15562, Volume 10, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion and place of use, a certificate of water

right shall be issued to Albert C. Allen, Jr. confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 15th day of May, 1968.



CHRIS L. WHEELER
State Engineer