

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF RICHARD K. JAMES FOR APPROVAL) ORDER APPROVING
OF A CHANGE IN POINT OF DIVERSION) TRANSFER 5146
OF WATER)

On October 27, 1982, an application was filed in the office of the Water Resources Director by Richard K. James for approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 43580, Volume 35, State Record of Water Right Certificates, in the name of Thos. J. Johnson, describes a right for which includes the use of not to exceed 0.015 cubic foot per second from Rogue River, for irrigation of 1.2 acres in SE 1/4 NE 1/4, Section 21, Township 34 South, Range 1 West, WM, with a date of priority of July 5, 1928.

Water for the said right is diverted, through the Dennis, Johnson and Hall Ditch, from a point located 1,320 feet North and 800 feet West from the Southeast Corner of Section 16, being within the SE 1/4 SE 1/4 of Section 16, Township 34 South, Range 1 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 180 feet North and 1,310 feet West from the East Quarter Corner of Section 21, being within the SE 1/4 NE 1/4, Section 21, Township 34 South, Range 1 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Ashland Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of November 2, 9 and 16, 1982.

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, WITH THE FOLLOWING CONDITIONS.

The quantity of water diverted at the new point of diversion shall not exceed 0.015 cubic foot per second, and together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

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.

The construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1984.

It is FURTHER ORDERED that the certificate recorded at page 43580, Volume 35, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding and in Transfer 5137; 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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 6th day of January, 1983.


JAMES E. SEXSON
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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