

Jackson County

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

ORDER APPROVING
TRANSFER NO. 3475

On September 23, 1976, Albert C. Allen, Jr., filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Rogue River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 43993, Volume 36, State Record of Water Right Certificates, in the name of Albert C. Allen, Jr., describes an existing right of record which includes the use of not to exceed 0.19 cubic foot per second from Rogue River for irrigation of 15.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.0 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 Section 31, Township 35 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to change without loss of priority the point of diversion to a point located 1650 feet South and 110 feet West from the Northeast corner of Section 31, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 35 South, Range 1 West, W.M.

Notice of 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 8, 15 and 22, 1976.

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

No objection 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 from Rogue River 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, and shall not exceed 0.19 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;

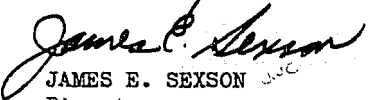
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Albert C. Allen, Jr., and recorded at Page 43993, Volume 36, 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 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 Albert C. Allen, Jr.

Dated at Salem, Oregon, this 8th day of December, 1976.


JAMES E. SEXSON ^{JJC}
Director