

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF SHAUN HARRIS FOR APPROVAL )  
OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
-----

ORDER APPROVING  
TRANSFER 5212

On February 25, 1983, an application was filed in the office of the Water Resources Director by Shaun Harris for approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, tabulated at page 22, Volume 4, Order Record of the Water Resources Director, a water right was allowed in the name of Z. Cameron and is a portion of the right described by the certificate recorded at page 49689, Volume 43, State Record of Water Right Certificates, in the names of James F. and Glenna H. Corson, and is for the use of not to exceed 0.33 cubic foot per second of water from Applegate River, with a date of priority of 1876, for irrigation of a certain 0.2 acre in SE 1/4 SW 1/4, Section 28, and 13.1 acres in NE 1/4 NW 1/4, Section 33, Township 39 South, Range 3 West, WM.

Water for the said right is diverted, through the Comstock Ditch, from a point located 1000 feet North and 1190 feet East from the Southwest Corner of Section 5, being within the SW 1/4 SW 1/4 of Section 5, Township 40 South, Range 3 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 300 feet South and 210 feet West from the North Quarter Corner of Section 33, being within the NE 1/4 NW 1/4, Section 33, Township 39 South, Range 3 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of March 7, 14 and 21, 1983.

Bruce R. Sund, 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.

It is FURTHER ORDERED that 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;

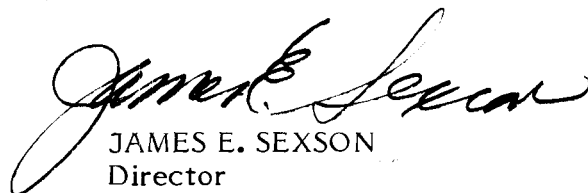
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1984.

The order of the Water Resources Director entered April 8, 1983, approving Transfer Application 5200, provided for cancellation of the certificate recorded at page 49684, Volume 43, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; therefore,

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 April 8, 1983, approving Transfer Application 5200; 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 27th day of April, 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.

6244B