

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF HAROLD W. CLOUSE FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 3402

On April 30, 1976, Harold W. Clouse 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 15677, Volume 13, State Record of Water Right Certificates, in the name of Mrs. H. D. Huskey, describes an existing right of record which includes the use of not to exceed 0.02 cubic foot per second from Rogue River for irrigation of a certain 1.0 acre in Lot 2: (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 25, and 0.8 acre in Lot 1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 26, Township 35 South, Range 7 West, W.M., with a date of priority of November 5, 1945.

Water for the said right is diverted from a point located 20 feet South and 1000 feet West from the East quarter-corner of Section 26, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 35 South, Range 7 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 950 feet North and 330 feet West from the East quarter-corner of Section 26, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 35 South, Range 7 West, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Grants Pass Daily Courier, a newspaper printed and having general circulation in the area, on April 29, 1976, and in the Grants Pass Daily Courier, a newspaper printed and having general circulation in the area, on May 6, 1976.

circulation in Josephine County, Oregon, for a period of three weeks in the issues of May 25, June 1 and 8, 1976.

Mr. Robert B. Steimer, Watermaster of District No. 14, 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 0.02 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;

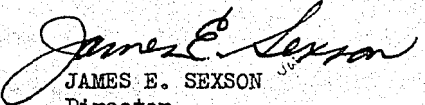
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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 Mrs. H. D. Huskey and recorded at Page 15677, Volume 13, 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 Harold W. Clouse.

Dated at Salem, Oregon, this 16th day of December, 1976.


JAMES E. SEXSON
Director