

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF HENRY L. AND FAE L. MORSS FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM AGATE)
SLOUGH)

ORDER APPROVING
TRANSFER NO. 3433

On July 13, 1976, Henry L. and Fae L. Morss filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Agate Slough pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Helen Mace and recorded at Page 9093, Volume 8, State Record of Water Right Certificates, confirms a right which includes the use of 0.138 cubic foot per second from Agate Slough, being 0.092 cubic foot per second with a date of priority of December 29, 1930, and 0.046 cubic foot per second with a date of priority of February 6, 1931, for the irrigation of 0.2 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 8.9 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16; and 1.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 36 South, Range 2 West, W.M.

These lands are irrigated by means of the Main Ditch from a point of diversion located 490 feet North and 2210 feet East from the Southwest corner of Section 15, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 36 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from two points of diversion to be located (1) 840 feet North and 1070 feet West and (2) 350 feet North and 50 feet West from the Southeast corner of Section 16, both being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 36 South, Range 2 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 20, 27 and November 3, 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 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 0.092 cubic foot per second with a priority date of December 29, 1930, and 0.046 cubic foot per second with a priority date of February 6, 1931.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices:

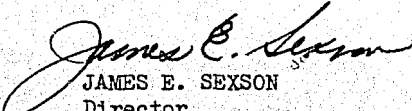
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 Helen Mace and recorded at Page 9093, Volume 8, 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 Henry L. and Fae L. Morss.

Dated at Salem, Oregon, this 3rd day of January, 1977.


JAMES E. SEXSON
Director