

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
DENNIS K. AND KATHLEEN G. COOPER) ORDER APPROVING
FOR APPROVAL OF A CHANGE IN POINT) TRANSFER 5722
OF DIVERSION OF WATER)

On November 8, 1985, an application was filed in the office of the Water Resources Director by Dennis K. and Kathleen G. Cooper 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, a water right was established in the name of Z. Cameron, tabulated in Volume 4, page 22, Order Record of the Water Resources Director, for use of not to exceed 0.26 cubic foot per second from Applegate River for irrigation of, among other lands, a certain 10.5 acres in NE 1/4 NW 1/4, Section 33, Township 39 South, Range 3 West, WM, with a date of priority of 1876, as evidenced by the certificate recorded at page 51982, Volume 46, State Record of Water Right Certificates.

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 applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to a point located 1150 feet South and 50 feet West from the North Quarter Corner of Section 33, being within the NE 1/4 NW 1/4 of 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 having general circulation in the area in which the water right is located, for a period of three weeks in the issues of January 31, February 7 and 14, 1986.

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 proposed change in point of diversion is approved, without loss of priority.

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, and shall not exceed 0.26 cubic foot per second.

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:

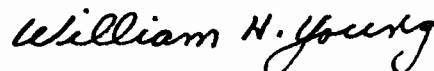
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1987.

It is FURTHER ORDERED that the certificate recorded at page 51982, Volume 46, 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 the applicant herein.

Dated at Salem, Oregon, this 29th day of July, 1986.


WILLIAM H. YOUNG₅₇₂₄
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.

A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections and exceptions must be filed within 45 days from the date of service (date of mailing) of the Proposed Order on the party. The Commission will provide opportunity for oral argument in support of written objections and exceptions. If no objections and exceptions are filed within the time allowed, the Proposed Order will automatically become the Final Order of the Commission.

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