

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF )  
JOHN HADEN FOR APPROVAL OF A ) ORDER APPROVING  
CHANGE IN PLACE OF USE OF WATER ) TRANSFER 5926

On March 24, 1987, an application was filed in the office of the Water Resources Director by John Haden for approval of a change in place of use of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered May 19, 1964, 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 Jess York, tabulated in Volume 16, page 523, Order Record of the Water Resources Director, for use of not to exceed 0.082 cubic foot per second from Applegate River for irrigation of, among other lands, a certain 4.0 acres in SE 1/4 SE 1/4, Section 21, Township 37 South, Range 5 West, WM, with a date of priority of February 1899, as evidenced by the certificate recorded at page 32888, Volume 24, State Record of Water Right Certificates.

Water for the said right is diverted, through the Northside Ditch, from a point located within the SW 1/4 SW 1/4 of Section 6, Township 38 South, Range 4 West, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom to irrigation of a certain 2.0 acres in Tax Lot 3100, 1.0 acre in Tax Lot 3101 and 1.0 acre in Tax Lot 3102, all within the SE 1/4 SE 1/4 of Section 21, Township 37 South, Range 5 West, WM.

Bruce R. Sund, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is approved, without loss of priority.

The approval of this transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

It is FURTHER ORDERED that the quantity of water diverted shall not exceed 0.082 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 subject water right is hereby severed from the place of use described in Certificate 32888, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 32888, Volume 24, 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 27th day of May, 1987.

*William H. Young*  
WILLIAM H. YOUNG  
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

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