

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

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

ORDER APPROVING
TRANSFER NO. 3749

On August 10, 1977, an application was filed in the office of the Water Resources Director by Forest W. Perkins for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 44304, Volume 36, State Record of Water Right Certificates, in the name of Albert C. Allen, Jr., describes a right which includes the use of not to exceed 0.08 cubic foot per second from Rogue River for irrigation of 5.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 35 South, Range 1 West, W.M., with a date of priority of March 29, 1930.

Water for the said right is diverted from a point located 70 feet North and 1400 feet West from the East quarter corner of Section 31, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31.

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 2500 feet South and 1160 feet West from the Northeast corner of Section 31, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31.

Mr. David C. Hendrix, 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, and shall not exceed 0.08 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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Albert C. Allen, Jr. and recorded at page 44304, Volume 16, 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 19th day of August, 1977.

8/ *James E. Sexson* Deputy
James E. Sexson
Director