

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF DAVID L. & ADELE S. HARRINGTON)
AND ROSIE MAYES FOR APPROVAL OF)
A CHANGE IN USE OF WATER)

ORDER APPROVING
TRANSFER NO. 3836

On Novmeber 14, 1977, an application was filed in the office of the Water Resources Director by David L. and Adele S. Harrington and Rosie Mayes for approval of a change in use for which water from an unnamed tributary of Antelope Creek has been heretofore stored, and a change in use heretofore made of the stored water, pursuant to the provisions of ORS 540.510 to 540.530.

The certificates recorded at pages 34476 and 34477, Volume 26, State Record of Water Right Certificates, in the names of Gerald W. and Rosie Mayes, describe a right to store, within Mayes Reservoir, located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 36 South, Range 1 West, W.M., 8.0 acre feet of water from an unnamed gulch, tributary of Antelope Creek, within the period of November 1 to March 30 of each year, with a date of priority of March 30, 1964, for the purpose of recreation; and a right to use the said 8.0 acre feet of stored water for the purpose of recreation within the reservoir, also with a date of priority of March 30, 1964.

The authorized point of diversion is located 450 feet North and 550 feet West from the Southwest Corner of the Linkswiter D.L.C. No. 49, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 36 South, Range 1 West, W.M.

The applicants herein, owners of the lands above described, propose to change the use for which the water has been heretofore stored, and the use heretofore made of the stored water and, without loss of priority, to hereafter use the capacity of Mayes Reservoir, of 8.0 acre feet, to store water for irrigation use, and use the 8.0 acre feet of stored water only, for irrigation of a certain 12.0 acres of land in the said SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9.

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 November 22 and 29; and December 6, 1977.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect

that the proposed change in the use for which water heretofore has been stored and used may be made without injury to existing rights.

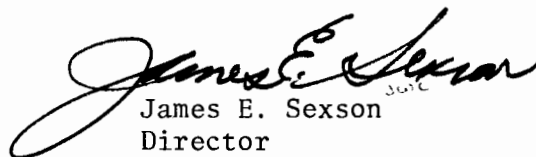
No objections having been filed and it appearing that the proposed change in the use for which water heretofore has been stored and used may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in the use for which water heretofore has been stored and used, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificates of water right heretofore issued to Gerald W. and Rosie Mayes and recorded at pages 34476 and 34477, Volume 26, State Record of Water Right Certificates, are canceled, 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, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 12th day of January, 1978.


James E. Sexson
Director