

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF)
BURTON W. BLACKWELL FOR APPROVAL OF) ORDER APPROVING
A CHANGE IN POINT OF DIVERSION OF) TRANSFER 6104
WATER)

On April 28, 1988, an application was filed in the office of the Water Resources Director by Burton W. Blackwell for approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 51337, Volume 46, State Record of Water Right Certificates, in the name of Leonard Orchards Company, describes a right which includes the use of not to exceed 0.059 cubic foot per second from the Rogue River for irrigation of a certain:

2.5 acres NE1/4 NW1/4
2.2 acres SE1/4 NW1/4
Section 21
Township 36 South, Range 6 West, WM,

with a date of priority of April 12, 1912.

Water for said right is diverted through a pipeline to Apple-Rogue Reservoir, from a point located 1831 feet North and 854 feet East from the West Quarter corner of Section 21, being within the NW1/4 NW1/4 of Section 21, Township 36 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 1880 feet North and 2170 feet East from the West Quarter corner of Section 21, being within the NE1/4 NW1/4 of Section 21, Township 36 South, Range 6 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Daily Courier, 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 May 24, 31 and June 7, 1988.

Robert B. Steimer, 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 is hereby 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 0.059 cubic foot per second, and together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

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:

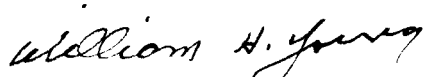
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 right to divert water from the point described in Certificate 51337 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1989.

It is FURTHER ORDERED that the certificate recorded at page 51337, 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 11th day of July, 1988.


WILLIAM H. YOUNG, Director

NOTE: Approval of the 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.