

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF BENJAMIN L. AND BETTY J. LONG
FOR THE APPROVAL OF A CHANGE IN
POINT OF DIVERSION OF WATER FROM
ROGUE RIVER

ORDER APPROVING
TRANSFER NO. 3186

On March 25, 1975, Benjamin L. and Betty J. Long filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson 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 Walter D. Nunley for the use of the waters of Rogue River for the irrigation of 2.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, 37.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 27.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, Township 36 South, Range 1 West, W.M., with a date of priority of 1898, as evidenced by certificate of water right recorded at Page 38307, Volume 30, State Record of Water Right Certificates. These lands are irrigated by means of the Stowell ditch from a point of diversion located 580 feet South and 1175 feet West from the North quarter-corner of Section 32, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 35 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 280 feet North and 130 feet West from the South quarter-corner of Section 31, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, Township 35 South, Range 1 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on January 7, 1976, at 9:30 a.m. The notice 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 11, 18 and 25, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Rogue River, to wit:

From a point located 580 feet South and 1175 feet West from the North quarter-corner of Section 32, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 35 South, Range 1 West, W.M.

To a point to be located 280 feet North and 130 feet West from the South quarter-corner of Section 31, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 35 South, Range 1 West, W.M.

for the irrigation of 2.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, 37.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 27.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, Township 36 South, Range 1 West, W.M., with a date of priority of 1898, is approved.

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, 1976.

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, and shall not exceed 1.66 cubic feet per second.

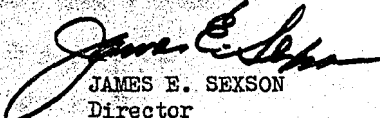
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

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 certificate of water right heretofore issued to Walter D. Nunley and recorded at Page 38307, Volume 30, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Benjamin I. and Betty J. Long confirming the change in point of diversion.

Dated at Salem, Oregon, this 30th day of January, 1976.


JAMES E. SEXSON
Director