

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION }
OF JOSEPHINE COUNTY FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION AND PLACE OF USE OF WATER }
FROM ROGUE RIVER }

ORDER APPROVING
TRANSFER NO. 3494

On November 26, 1976, Josephine County filed an application in the office of the Water Resources Director for the approval of changes in point of diversion and place of use of water from Rogue River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 14330, Volume 12, State Record of Water Right Certificates, in the name of Tom R. Pearce describes an existing right of record for the use of not to exceed 0.24 cubic foot per second from Rogue River for irrigation of a certain 15.0 acres in Lot 1 ($NE\frac{1}{4}$ $NE\frac{1}{4}$) and 4.0 acres in Lot 2 ($NW\frac{1}{4}$ $NE\frac{1}{4}$) of Section 22, Township 36 South, Range 5 West, W.M., with a date of priority of December 26, 1940.

Water for the said right is diverted from a point located 700 ft. S. and 200 ft. E. from the Northwest corner of Section 23, being within the $NW\frac{1}{4}$ $NW\frac{1}{4}$ of Section 23, Township 36 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the place of use and point of diversion and to sever the right therefrom and in lieu thereof irrigate a certain 5.5 acres in $NE\frac{1}{4}$ $NE\frac{1}{4}$, 6.5 acres in $NW\frac{1}{4}$ $NE\frac{1}{4}$ and 7.0 acres in $SE\frac{1}{4}$ $NW\frac{1}{4}$, Section 22, Township 36 South, Range 5 West, W.M., from a point of diversion located 1000 feet South and 70 feet East from the Northwest corner of the $SE\frac{1}{4}$ $NW\frac{1}{4}$ of Section 22, being within the $SE\frac{1}{4}$ $NW\frac{1}{4}$ of Section 22, Township 36 South, Range 5 West, W.M.

Notice of the applicatnion, pursuant to ORS 540.510 was published in the Grants Pass Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of December 9, 16 and 23, 1976.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a statement to the effect that the proposed changes in point of diversion and place of use may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in point of diversion and place of use of water from Rogue River 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, and shall not exceed 0.24 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:

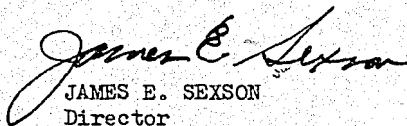
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, the change in point of diversion of water made and said water so transferred applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Tom R. Pearce and recorded at Page 14330, Volume 12, State Record of Water Right Certificates, is 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, a confirming certificate of water right shall be issued to Josephine County.

Dated at Salem, Oregon, this 1st day of March, 1977.


JAMES E. SEXSON
Director