

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
LES GILMAN FOR APPROVAL OF A CHANGE )  
IN POINT OF DIVERSION OF WATER )

ORDER APPROVING  
TRANSFER 5933

On April 16, 1987, an application was filed in the office of the Water Resources Director by Les Gilman 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 52205, Volume 47, State Record of Water Right Certificates, in the name of John Day, describes a right which includes the use of not to exceed 0.08 cubic foot per second from Rogue River, for irrigation of a certain 6.17 acres in SE 1/4 NE 1/4, Section 13, Township 36 South, Range 3 West, WM with a date of priority of July 28, 1955.

Water for the said right is diverted from a point located 2350 feet South and 1840 feet West from the Northeast Corner of Section 18, being within the SW 1/4 NE 1/4 of Section 18, Township 36 South, Range 2 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 210 feet North and 530 feet West from the East Quarter Corner of Section 13, being within the SE 1/4 NE 1/4 of Section 13, Township 36 South, Range 3 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Mail Tribune, 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 15, 22 and 29, 1987.

Bruce R. Sund, 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 proposed change in point of diversion is approved, without loss of priority.

Approval of a 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.

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 judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

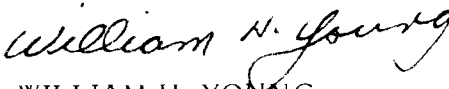
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 52205 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 52205, Volume 47, 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 30th day of June, 1987.

  
WILLIAM H. YOUNG,  
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

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