

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF RUBY A. HAYES FOR APPROVAL OF )  
A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM ROGUE RIVER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3653

On April 29, 1977, an application was filed in the office of the Water Resources Director for approval of a change in point of diversion from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 27130, Volume 19, State Record of Water Right Certificates, in the name of B. L. Dodge, describes a right which includes the use of not to exceed 0.01 cubic foot per second from Rogue River for irrigation of a certain 1.6 acres in Lot 3 (SE $\frac{1}{4}$  SW $\frac{1}{4}$  and SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 17, Township 35 South, Range 1 West, W.M., with a date of priority of July 26, 1909.

Water for the said right is diverted from a point located 960 feet South and 3370 feet East from the West quarter corner of Section 17, being within Lot 4 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of said Section 17.

The above described lands were included in the order of the State Engineer, dated October 28, 1966, approving water right transfer application No. W-112, in the name of James C. Wilson, Jr., being a portion of the lands from which the water right was severed in a change in place of use of water for irrigation purposes. The said transfer application was filed in the office of the State Engineer on February 23, 1965, and contained the statement that James C. Wilson, Jr., was then the legal owner of the said lands.

The change in place of use of water described by the said application was not completed under the provisions of the approving order in that the lands to which the water right was to become appurtenant by performance were not beneficially irrigated within the time allowed, as extended.

The applicant herein states that James C. Wilson, Jr., was not the legal owner of the said lands at the time the application No. W-112 was filed and that he did not have authority to include the lands in the application. The applicant herein, Ruby A. Hayes, states that she and her late husband, Harold D. Hayes, have been legal owners of the said lands since 1964 and she has submitted a photocopy of a warranty deed to them for said lands, dated April 16, 1964 and recorded in the

the deed records of Jackson County, Oregon, April 23, 1964.

NOW, THEREFORE, it hereby is ORDERED that the order of the State Engineer, dated October 28, 1966, approving water right transfer application No. W-112, in the name of James C. Wilson, Jr., and recorded at page 302, Volume 15, Special Order Record of the State Engineer, be and the same is hereby amended to eliminate reference to the lands above described as being a portion of the lands from which the subject water right is severed.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 700 feet North and 160 feet East from the South quarter corner of Section 17, being within Lot 3 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of said Section 17.

Mr. David C. Hendrix, 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 FURTHER ORDERED that the requested change in point of diversion, as 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 under the subject right, and shall not exceed 0.01 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;

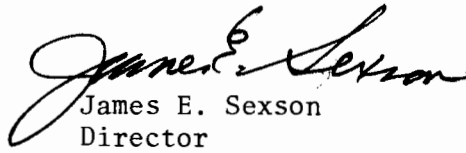
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that 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 10th day of November, 1977.

  
James E. Sexson  
Director