

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
JIMMY LEE AND JUDY E. DENNY FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 4882

On August 28, 1981, an application was filed in the office of the Water Resources Director by Jimmy Lee and Judy E. Denny for approval of a change in point of diversion of water from Baker Gulch, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 15691, Volume 13, State Record of Water Right Certificates, in the name of Mrs. Bert Nelson, describes a right which includes the use of not to exceed 0.17 cubic foot per second from Baker Gulch, for irrigation of 4.0 acres in NW 1/4 SE 1/4 and 9.5 acres in SW 1/4 SE 1/4, Section 31, Township 35 South, Range 1 East, WM, with a date of priority of August 18, 1947.

Water for the said right is diverted, through the Nelson Ditch, from a point located 97 feet South and 1,160 feet East from the East Quarter Corner of Section 31, being within the NW 1/4 SW 1/4 of Section 32, Township 35 South, Range 1 East, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 1,320 feet North and 1,220 feet West from the Southeast Corner of Section 31, being within the SE 1/4 SE 1/4 of Section 31, Township 35 South, Range 1 East, WM (Williams Ditch).

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of September 16, 23, and 30, 1981.

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 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.

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:

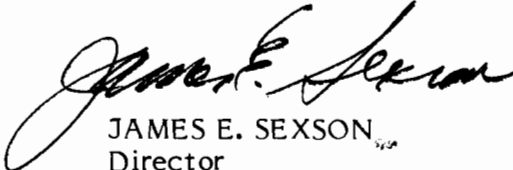
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and the change in point of diversion of water made on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 15691, Volume 13, 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 applicants herein.

Dated at Salem, Oregon this 23rd day of November, 1981.


JAMES E. SEXSON,
Director

NOTE: The 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.
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