

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF BARBARA L. GRANT FOR APPROVAL)
OF A CHANGE IN POINT OF)
DIVERSION OF WATER)
- - - - -)

ORDER APPROVING
TRANSFER NO. 4245

On June 26, 1979, an application was filed in the office of the Water Resources Director by Barbara L. Grant for approval of a change in point of diversion, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 46562, Volume 39, State Record of Water Right Certificates, in the names of Harry M. Kimball and Thornton S. Gapen, describes a right which includes the use of not to exceed 0.16 cubic foot per second from Applegate River for irrigation of 6.0 acres in SW¹/₄ NW¹/₄ and 7.0 acres in NW¹/₄ SW¹/₄ of Section 23, Township 38 South, Range 4 West., W. M.; and the certificate recorded at page 46563, Volume 39, State Record of Water Right Certificates, in the name of Harry M. Kimball, describes a right which includes the use of not to exceed 0.29 cubic foot per second from Applegate River for irrigation of 11.0 acres in SE¹/₄ NE¹/₄ and 2.0 acres in NE¹/₄ SE¹/₄ of Section 22; 2.0 acres in SW¹/₄ NW¹/₄ and 8.0 acres in NW¹/₄ SW¹/₄ of Section 23, Township 38 South, Range 4 West, W. M., with a date of priority of March 25, 1918.

Water for the said rights is diverted, through the Kubli Ditch, from a point located 2510 feet South and 3370 feet West from the Northeast Corner, Long DLC 39, being within the SE¹/₄ SW¹/₄ of Section 30, Township 38 South, Range 3 West, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located 50 feet North and 570 feet West from the E¹/₄ Corner of Section 22, being within the SE¹/₄ NE¹/₄ of Section 22, Township 38 South, Range 4 West, W. M.

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 July 5, 12 and 19, 1979,

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 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:

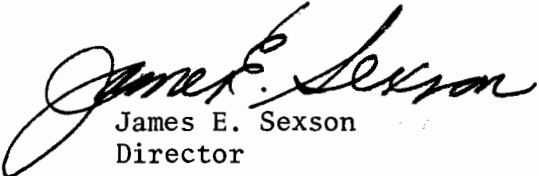
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1980.

It is FURTHER ORDERED that the certificates of water right recorded at pages 46562 and 46563, Volume 39, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights 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 17th day of September, 1979.


James E. Sexson
Director