

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of the Proposed Allocation)
of Conserved Water, Application 9802,) FINAL ORDER
Certificate 68635) ALLOCATING CONSERVED WATER

Background

Pursuant to ORS 537.470 and OAR Chapter 690, Division 18, by Order issued September 30, 1998, conserved water application 9802 in the names of Larry Menteer and Oregon Water Trust was approved.

Certificate 68635 allows the use of the water from Evans Creek, tributary to the Rogue River, for irrigation of 4.0 acres. The amount of water to which this right is entitled is limited to an amount beneficially used and shall not exceed 0.072 cubic feet per second, if available at the legal point of diversion, located 370 feet north and 80 feet west from the SE corner of the NW ¼ SW ¼, Section 11, Township 35 S, Range 34 W, Willamette Meridian. The priority date for this water right is 1896.

The authorized place of use is: 1.9 acres, NE ¼, SW ¼,
2.1 acres, SE ¼, SW ¼
Section 11, Township 35 S, Range 34 W, WM

The application proposed a reduction in the maximum rate and duty of diversion and application allowed under Certificate 68635. The applicant proposed to complete a conservation project on the original 4 acres consisting of a modification in the diversion, delivery and application system, resulting in a reduction in the rate of diversion allowed from 0.072 to 0.051 cfs, and a reduction in the duty from a total of 30.5 acre feet to 21.61 acre feet. The entirety of the water conserved is dedicated to an instream right in Evans Creek in the amount of 0.021 cfs, not to exceed 8.9 acre feet, to be protected from river mile 9 to the confluence of Evans Creek and the Rogue River.

The applicants filed a notice on December 22, 1998, that the project is complete, and requested a final allocation of the water conserved under this project, consistent with the provisions of the Order issued September 30, 1998.

NOW, THEREFORE, it is ORDERED:

1. Certificate 68635 be and the same is hereby cancelled.
2. The Department is directed to issue a superseding Certificate for diversion and use of waters from Evans Creek in the amount of 0.051 cfs, not to exceed 21.61 acre feet, for irrigation of the lands described above, with a priority date of 1896.

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3. The Department is directed to issue a Certificate for an in-stream water right for the State's portion of the conserved water in the amount of 0.021 cfs, not to exceed 8.9 acre feet, to be protected in Evans Creek from rm 9 to its confluence with the Rogue River, with a priority date of 1896 plus one minute.

Witness the signature of the Water Resources Department Director, affixed January 6, 1999.


Martha O. Pagel

NOTICE: This is a final Order in other than a contested case. You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this Order. Pursuant to the provisions of ORS 183.484, judicial review is by the Marion County Circuit Court or to the circuit court for the county in which the petitioner resides or has a principal business office.