

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF JACK WILSON LOVE AND JOEY)
HEDDEN LOVE FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 3646

On April 27, 1977, an application was filed in the office of the Water Resources Director by Jack Wilson Love and Joey Hedden Love 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 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 0.1 acre in Lot 4 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) and 1.55 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 applicants herein state 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 said lands in the application. The applicants herein, Jack Wilson Love and Joey Hedden Love, state that they have been legal owners of the said lands since 1964 and have submitted a photocopy of a warranty deed to them for said lands, dated July 6, 1964 and recorded in the deed records of Jackson County,

Oregon, July 30, 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 applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 950 feet North and 330 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 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;

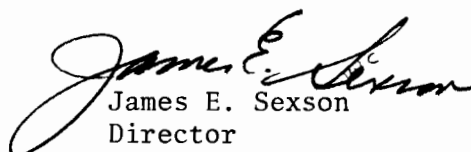
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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 the 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