

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF)
JAMES H. BASHORE AND JOHN & JANE F.)
BIANCHIN FOR APPROVAL OF CHANGES IN)
PLACE OF USE & POINT OF DIVERSION OF)
WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 4038

On September 7, 1978, an application was filed in the office of the Water Resources Director by James H. Bashore and John and Jane F. Bianchin for approval of changes in place of use and point of diversion from Rogue River, pursuant to the provisions of ORS 540.510 to 504.530.

The certificate recorded at page 37387, Volume 29, State Record of Water Right Certificates, in the name of A. I. Hussey, describes a right which includes the use of not to exceed 0.013 cubic foot per second from Rogue River for irrigation of a certain 0.6 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.4 acre in E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 35 South, Range 7 West, W.M., with a date of priority of May 4, 1932.

The authorized point of diversion of record for said right is located 710 feet South and 200 feet East from the Northwest Corner of Section 25, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 35 South, Range 7 West, W.M.

The applicants herein propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 1.0 acre in W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 35 South, Range 7 West, W.M., from a point of diversion located 350 feet South and 1530 feet East from the Center Corner of Section 23, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 35 South, Range 7 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of September 15, 22 and 29, 1978.

Mr. Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are 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:

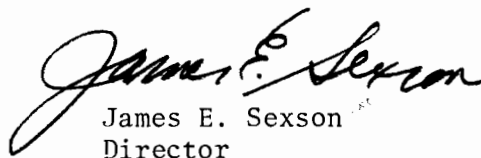
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 and said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 37387, Volume 29, 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 applicant herein.

Dated at Salem, Oregon this 15th day of November, 1978.


James E. Sexson
Director