

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
JOHN W. MILLARD FOR APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4291

On September 6, 1979, an application was filed in the office of the Water Resources Director by John W. Millard for approval of a change in place of use of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 43968, Volume 36, State Record of Water Right Certificates, in the name of Col. Norman Smedes, describes a right which includes the use of not to exceed 0.34 cubic foot per second from Rogue River for irrigation of a certain 25.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 35 South, Range 1 West, W.M., with a date of priority of February 3, 1947.

Water for the said right is diverted from a point located 5 feet North and 840 feet West from the Southeast Corner of Lot 1 of Section 9, being within Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 9, Township 35 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 25.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 35 South, Range 1 West, W.M.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

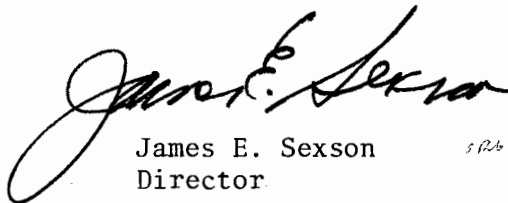
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 43968, Volume 36, 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 pro-

ceeding; 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 27th day of September, 1979.



James E. Sexson
Director

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