

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
HERRIOTT BROTHERS RANCH )  
FOR APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER )

ORDER APPROVING  
TRANSFER 5793

On May 6, 1986, an application was filed in the office of the Water Resources Director by Herriott Brothers Ranch for approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 46559, Volume 39, State Record of Water Right Certificates, in the name of Karl E. Herriott, describes a right for the use of not to exceed 0.17 cubic foot per second from Applegate River, for irrigation of a certain 6.0 acres NE 1/4 NE 1/4 and 9.0 acres NW 1/4 NE 1/4, Section 22, Township 38 South, Range 4 West, WM, with a date of priority of March 25, 1918.

The certificate recorded at page 46561, Volume 39, State Record of Water Right Certificates, in the name of Karl E. Herriott, describes a right for the use of not to exceed 0.31 cubic foot per second from Applegate River, for irrigation of a certain 9.8 acres SW 1/4 SE 1/4, Section 15, 11.5 acres NW 1/4 NE 1/4, Section 22 and supplemental irrigation of 3.6 acres NE 1/4 NE 1/4, Section 22, Township 38 South, Range 4 West, WM, with date of priority of December 14, 1954.

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 of Long DLC 39, being within the SE 1/4 SW 1/4 of Section 30, Township 38 South, Range 4 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 190 feet South and 41 feet West from the Interior ell Corner of DLC 38, being within the SW 1/4 NE 1/4 of Section 22, Township 38 South, Range 4 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Medford Mail Tribune, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of May 22, 29 and June 5, 1986.

Bruce R. Sund, 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 proposed change in point of diversion is approved, without loss of priority.

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 0.48 cubic foot per second.

It is FURTHER ORDERED that rights to the use of water from tributary streams entering Applegate River between the existing and proposed points of diversion shall not be subject to the water right which is the subject of this order.

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:

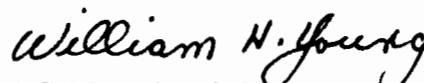
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 right to divert water from the point described in Certificates 46559 and 46561 is hereby canceled, and water shall be used from the new point of diversion on or before October 1, 1988.

It is FURTHER ORDERED that the certificates recorded at pages 46559 and 46561, Volume 39, State Record of Water Right Certificates, are canceled; 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 14th day of October, 1986.

  
WILLIAM H. YOUNG, DWR  
Director

NOTE: Approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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