

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF MR. KAY PHILLIP SHUGART FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM ROGUE RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3422

On June 11, 1976, Mr. Kay Phillip Shugart filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion under an existing right of record from Rogue River.

Certificate of water right issued to Chas. and Lillian Shelton and recorded at Page 10541, Volume 10, State Record of Water Right Certificates, confirms a right which includes the use of not to exceed 0.17 cubic foot per second from Rogue River for the irrigation of 7.5 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 6.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 28, Township 34 South, Range 1 West, W.M., with a date of priority of July 5, 1928.

These lands are irrigated by means of the Dennis, Johnson and Hall ditch from a point of diversion located 1320 feet North and 800 feet West from the Southeast corner of Section 16, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, Township 34 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 2390 feet South and 2540 feet West from the Northeast corner of Section 28, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28, Township 34 South, Range 1 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of July 6, 13 and 20, 1976.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 requested change in point of diversion 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, and shall not exceed 0.17 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 head-gates and measuring devices.

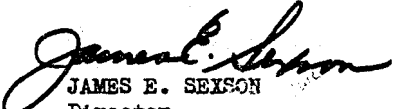
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 on or before October 1, 1977.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Chas. and Lillian L. Shelton and recorded at Page 10541, Volume 10, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Mr. Kay Phillip Shugart confirming the right.

Dated at Salem, Oregon, this 15th day of September, 1976.

  
JAMES E. SEXSON  
Director