

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
BEN C. JR., AND MARTELLE B. GERWICK ) ORDER APPROVING  
FOR APPROVAL OF A CHANGE IN POINT ) TRANSFER 5832  
OF DIVERSION OF WATER )

On July 22, 1986, an application was filed in the office of the Water Resources Director by Ben C. Jr., and Martelle B. Gerwick for approval of a change in point of diversion of water from Little Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was established in the name of E. J. Cameron, tabulated in Volume 4, page 30, Order Record of the Water Resources Director, for use of not to exceed 0.10 cubic foot per second from Little Applegate River for irrigation of, among other lands, a certain 3.58 acres in SE 1/4 SW 1/4, Section 3, Township 39 South, Range 3 West, WM, with a date of priority of 1854, as evidenced by the certificate recorded at page 16391, Volume 13, State Record of Water Right Certificates.

Water for the said right is diverted, through the Davidson Ditch, from a point located North 39 degrees, 02 minutes East, 1184 feet from the South Quarter Corner of Section 11, being within the SW 1/4 SE 1/4 of Section 11, Township 39 South, Range 3 West, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to a point located 410 feet South and 370 feet West from the North Quarter Corner of Section 10, being within the NE 1/4 NW 1/4 of Section 10, Township 39 South, Range 3 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The 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 August 4, 11 and 18, 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 0.10 cubic foot per second.

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:

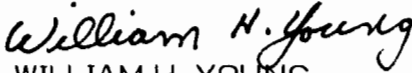
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 Certificate 16391 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 certificate recorded at page 16391, Volume 13, 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 applicants herein.

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

  
WILLIAM H. YOUNG, <sup>SR.</sup>  
Director

NOTE: The 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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