

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
WARREN J. FERGUSON FOR APPROVAL) ORDER APPROVING
OF A CHANGE IN POINT OF DIVERSION) TRANSFER 6024
OF WATER)

On November 17, 1987, an application was filed in the office of the Water Resources Director by Warren J. Ferguson for approval of a change in point of diversion of water from Anderson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 52561, Volume 47, State Record of Water Right Certificates, in the name of Marian M. Dole, describes a right which includes the use of not to exceed 0.129 cubic foot per second from Anderson Creek for irrigation of a certain 2.0 acres SW1/4 NW1/4 and 8.0 acres SE1/4 NW1/4 of Section 34, Township 38 South, Range 1 West, WM, with a date of priority of 1857.

Water for said right is diverted, through the Baldwin Ditch, from a point located 425 feet South and 320 feet West from the East Quarter Corner of Section 33, being within the NE1/4 SE1/4 of Section 33, Township 38 South, Range 1 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 475 feet North and 1030 feet East from the West Quarter Corner of Section 34, being within the SW1/4 NW1/4, Section 34, Township 38 South, Range 1 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Ashland Daily Tidings, 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 July 29, and August 5 and 12, 1988.

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 is hereby 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 0.129 cubic feet per second and that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the original point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions will be effective when in the judgement of the Watermaster it becomes necessary to install headgates and measuring devices:

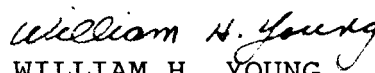
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 52561 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1990.

It is FURTHER ORDERED that the certificate recorded at page 52561, Volume 47, 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 21st day of October, 1988.


WILLIAM H. YOUNG
Director

NOTE: Approval of the 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.