

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
CARL CARSON FOR APPROVAL OF CHANGES) ORDER APPROVING
IN POINT OF DIVERSION AND PLACE OF) TRANSFER 6119
USE OF WATER)

On May 31, 1988, an application was filed in the office of the Water Resources Director by Carl Carson for approval of a changes in point of diversion and place of use of water from The 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 the Rogue River and Its Tributaries, a water right was established in the name of R. A. Lindsay, as modified by the Decree In Volume 16, page 384, Order Record of the Water Resources Director, for use of not to exceed 0.02 cubic foot per second from The Little Applegate River for irrigation of a certain 1.0 acre in the SW1/4 NW1/4, Section 3, Township 39 South, Range 3 West, WM., with a date of priority of September 1, 1857, as evidenced by the certificate recorded at page 16392, Volume 13, State Record of Water Right Certificates.

Water for said right is diverted through the Farmers Ditch, from a point located 350 feet South and 900 feet West from the Northeast Corner of Section 14, being within the NE1/4 NE1/4 of Section 14, Township 39 South, Range 3 West, WM.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom to a certain 1.0 acre in the SE1/4 NW1/4, Section 13, Township 39 South, Range 3 West, W.M. The applicants further propose to change the point of diversion to the Buck and Jones Ditch, located 1660 feet North and 550 feet East from the South Quarter Corner of Section 13, being within the NW1/4 SE1/4, Section 13, Township 39 South, Range 3 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 August 23 and 30 and September 6, 1988.

The Oregon Department of Veterans Affairs, mortgage holder of the subject lands, has approved the request for transfer.

Bruce R. Sund, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion and place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in point of diversion and place of use may be

made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it is hereby ORDERED that the proposed changes in point of diversion and place of use are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed 0.02 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:

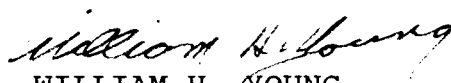
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 subject water right is hereby severed from the place of use described in Certificate 16392, and the right to divert water from the point described in said certificate is hereby canceled and water shall be beneficially used as authorized by this order on or before October 1, 1990.

It is FURTHER ORDERED that the certificate recorded at page 16392, Volume 13, State Record of Water Right Certificates, as modified by the Decree on page 384, Volume 16, Order Record of the Water Resources Director 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.