

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF)
FASZER BROTHERS AND SONS, INC.)
(GRANTS PASS IRRIGATION DISTRICT)) ORDER APPROVING
FOR APPROVAL OF A CHANGE IN) TRANSFER 5850
PLACE OF USE OF WATER)

On September 9, 1986, an application was filed in the office of the Water Resources Director by Faszler Brothers and Sons, Inc. for approval of a change in place of use of water from Rogue River, Jones Creek, Fruitdale Creek, Gilbert Creek, Sand Creek and Sparrowhawk Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Grants Pass Irrigation District and recorded at page 50650, Volume 44, State Record of Water Right Certificates, describes a right for the use of not to exceed 96.94 cubic feet per second of water from Rogue River, supplemented by the use of not to exceed 6.0 cubic feet per second from Jones Creek; not to exceed 5.0 cubic feet per second from Fruitdale Creek; not to exceed 5.0 cubic feet per second from Gilbert Creek; not to exceed 6.0 cubic feet per second from Sand Creek; and not to exceed 3.0 cubic feet per second from Sparrowhawk Creek for irrigation of, among other lands, a certain 1.98 acres in Tax Lot 4300, SE 1/4 NE 1/4, Section 17, Township 36 South, Range 5 West, WM, with dates of priority of September 29, 1916 from Rogue River and February 27, 1922 from Jones Creek, Fruitdale Creek, Gilbert Creek, Sand Creek and Sparrowhawk Creek.

The applicants herein, owners of the lands above described, propose to transfer the water rights therefrom to a certain 1.98 acres in Tax Lot 1200, NE 1/4 NE 1/4, Section 19, Township 36 South, Range 5 West, WM (Kellenbeck Construction).

The lands involved herein are within the boundaries of the Grants Pass Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting.

Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

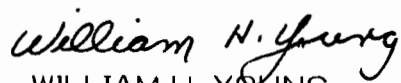
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is approved, without loss of priority.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 50650, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, the change of water right shall be considered perfected, and at a later date a certificate of water right shall be issued to Grants Pass Irrigation District confirming this and other changes within the District, and superseding Certificate 50650.

Dated at Salem, Oregon, this 4th day of November, 1986.


WILLIAM H. YOUNG, JR.
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.

0337/g
7209D