

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF)
USDI - BLM FOR APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5455

On March 27, 1984, an application was filed in the office of the Water Resources Director by USDI - BLM for approval of a change in point of diversion of water from 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 Sam and Nellie Letteken, tabulated in Volume 13, page 393, Order Record of the Water Resources Director, for use of not to exceed 0.74 cubic foot per second from Applegate River for irrigation of a certain 25.0 acres in the SE 1/4 NW 1/4 and 11.9 acres in the NE 1/4 SW 1/4, Section 1, Township 38 South, Range 5 West, WM with a date of priority of October 1898, as evidenced by the certificate recorded at page 32822, Volume 24, State Record of Water Right Certificates.

Water for the said right is diverted, through the Bridegpoint Ditch, from a point located 1075 feet North and 1660 feet East from the SE corner, being within the SW 1/4 SE 1/4 of Section 17, Township 38 South, Range 4 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to the Laurel Hill Ditch at a point located 125 feet North and 500 feet East from the center of Section 1 being with the SW 1/4 NE 1/4 Section 1, Township 38 South, Range 5 West, WM and to cancel the domestic portion of said right. The change in point of diversion is reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in the Grants Pass Daily Courier, 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 April 12, 19 and 26, 1984.

Robert B. Steimer, 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, and the domestic portion of said right is canceled.

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.

It is FURTHER ORDERED 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 old point of diversion under the subject right, and shall not exceed 0.74 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

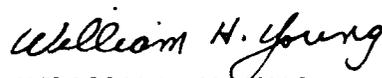
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 32822 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1989.

It is FURTHER ORDERED that the certificate recorded at page 32822, Volume 24, State Record of Water Right Certificates, is canceled; 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 28th day of September, 1987.


WILLIAM H. YOUNG
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

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