

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF CORA KLINGER FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM ASHLAND CREEK)

ORDER APPROVING
TRANSFER NO. 3899

On March 14, 1978, an application was filed in the office of the Water Resources Director by Cora Klinger for approval of a change in point of diversion from Ashland Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16040, Volume 13, State Record of Water Right Certificates, in the name of A. H. Wetmur, describes a right for the use of not to exceed 0.07 cubic foot per second from Ashland Creek for irrigation of a certain 2.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 39 South, Range 1 East, W.M., with a date of priority of 1886.

Water for the said right is diverted, through the Rogers Ditch, from a point located 1260 feet South and 930 feet West from the Center Corner of Section 4, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 39 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 550 feet South and 650 feet West from the Center Corner of Section 4, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 39 South, Range 1 East, W.M.

Mr. David C. Hendrix, 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 requested change in point of diversion as described herein, without loss of priority, is approved.

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 0.07 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:

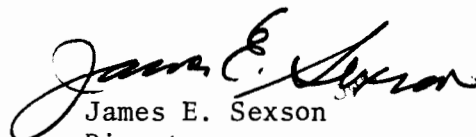
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to A. H. Wetmur and recorded at page 16040, Volume 13, 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 March, 1978.


James E. Sexson
Director