

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF STEVEN SHAPIRO FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4552

On June 30, 1980, an application was filed in the office of the Water Resources Director by Steven Shapiro for approval of changes in place of use and point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Pursuant to the provisions of ORS 540.530(2), proof has been made to the satisfaction of the Water Resources Director that a right has been perfected under the terms of transfer No. A-44, in the name of Albert C. Allen, Jr., for the use of not to exceed 0.21 cubic foot per second from Rogue River for irrigation of a certain 1.7 acres in NE 1/4 SW 1/4, 0.8 acre in NW 1/4 SW 1/4 and 0.2 acre in NW 1/4 SE 1/4, Section 31, Township 35 South, Range 1 West, W.M., with a date of priority of March 29, 1930.

Water for the said right is diverted from a point located 240 feet North and 470 feet East from the Southwest Corner of Lot 4, being within the NW 1/4 SE 1/4 of Section 31, Township 35 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 2.7 acres in NE 1/4 SW 1/4 of said Section 31, from a point located 950 feet South and 320 feet East from the Center of Section 31, being within the NW 1/4 SE 1/4 of Section 31, Township 35 South, Range 1 West, W.M.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are 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.

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.

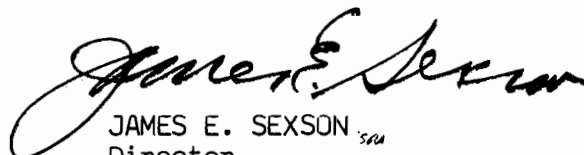
It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1981.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

The order of the Water Resources Director entered May 15, 1968, approving transfer application No. A-44, provided for cancellation of the certificate of water right recorded at page 15562, Volume 13, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; therefore,

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order enter May 15, 1968, approving transfer application No. A-44; 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 25th day of July, 1980.


JAMES E. SEXSON SM
Director