

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
RUTH M. SAWYERS) ORDER APPROVING
FOR APPROVAL OF A CHANGE IN POINT) TRANSFER 6260
OF DIVERSION OF WATER)

An application was submitted to the Water Resources Director by Ruth M. Sawyers for approval of a change in point of diversion of water from Elk Creek, as provided by 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 water of the Rogue River and its Tributaries, a water right was established in the name of Norman T. McDonald/Johnson Brothers Irrigation Ditch Co. tabulated in Volume 4, page 1, Order Record of the Water Resources Director, for the use of not to exceed 0.16 cubic foot per second from Elk Creek for irrigation of, among other lands, a certain 0.35 acre NE 1/4 NE 1/4, 2.73 acres NW 1/4 NE 1/4, 3.18 acres SW 1/4 NE 1/4 in Section 36, Township 33 South, Range 1 West, WM, with a date of priority of 1894 as evidenced by certificate 57358.

Water for said right is diverted from a point located 1075 feet North and 935 feet East from the southwest corner of Section 20, being within the SW 1/4 SW 1/4, of Section 20, Township 33 South, Range 1 East, WM.

The applicant proposes to change the point of diversion therefrom to a point on the Rogue River located 221 feet South and 264 feet West from the northeast corner of SW 1/4 NE 1/4, Section 36, being within the SW 1/4 NE 1/4 of Section 36, T 33 S, R 1 W, WM.

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 is hereby ORDERED that the proposed change in point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed 0.16 cubic foot per second and that the quantity of water diverted at the new point of diversion, shall not exceed the quantity of water available at the original point of diversion under the subject right. It is also ordered that demand for water under this right shall be limited to regulation of rights on Elk Creek.

It is FURTHER ORDERED that 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;

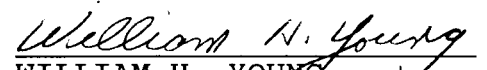
That the original point of diversion may require a measuring device;

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 57358 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1991.

It is FURTHER ORDERED that the certificate recorded at page 57358 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.

Witness the signature of the Water Resources Director affixed December 29, 1989.


WILLIAM H. YOUNG

Recorded in Special Order Records at Volume 43, page 498.

T-6260.TES