

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
CITY OF ASHLAND FOR APPROVAL OF)
CHANGES IN USE HERETOFORE MADE)
AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5861

On October 9, 1986, an application was filed in the office of the Water Resources Director by City of Ashland for approval of changes in use heretofore made and point of diversion of water from Ashland Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 48561, Volume 42, State Record of Water Right Certificates, in the names of Kenneth H. and Laura Jones and Phillip F. and Luella M. Bryant, describes a right for the use of not to exceed 0.09 cubic foot per second from Ashland Creek, for irrigation of a certain 1.4 acres in Lot 5 (SE 1/4 SE 1/4), Section 32; 3.9 acres in Lot 7 (SW 1/4 SW 1/4), Section 33, both Township 38 South, Range 1 East, WM; 1.5 acres in NW 1/4 NW 1/4, Section 4 and 0.2 acre in Lot 1 (NE 1/4 NE 1/4), Section 5, both Township 39 South, Range 1 East, WM with a date of priority of 1864.

Water for the said right is diverted, through the Smith-Myer Roper Ditch, from a point located 60 feet South and 450 feet East from the Northwest Corner of Section 4, being within the NW 1/4 NW 1/4 of Section 4, Township 39 South, Range 1 East, WM.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made therefrom, to municipal use within Sections 4, 5, 8, 9, 10, 11, 14, 15, 16, 17 and 23, Township 39 South, Range 1 East, WM, and to change the point of diversion to a point located 100 feet North and 10 feet West from the Southeast Corner of Section 20, being within the SE 1/4 SE 1/4 of Section 20, Township 39 South, Range 1 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Daily Tidings, 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 October 30, November 6 and 13, 1986.

Bruce R. Sund, Watermaster, has filed a statement to the effect that the proposed changes in use heretofore made 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 use heretofore made 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 proposed changes in use heretofore made and point of diversion are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water used for the proposed purpose shall not exceed 0.09 cubic foot per second, and shall be used only during the irrigation season of each year.

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;

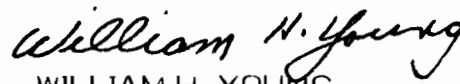
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the subject water right is hereby severed from the use and place of use described in Certificate 48561, and shall be beneficially used as authorized by this order on or before October 1, 1991.

It is FURTHER ORDERED that the right to divert water from the point described in Certificate 48561 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 48561, Volume 42, 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 23rd day of December, 1986


WILLIAM H. YOUNG, SRA
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.

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