

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION )  
OF DONALD M. FERRELL FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER )

ORDER APPROVING  
TRANSFER NO. 4427

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On March 17, 1980, an application was filed in the office of the Water Resources Director by Donald M. Ferrell for approval of a change in point of diversion of water from Caris Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The subject water right was allowed by Decree of Circuit Court for Jackson County, entered April 26, 1919, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River, tabulated at page 25, Volume 4, Order Record of the Water Resources Director, in the name of W. S. Bailey, and is a portion of the right described by the certificate recorded at page 16290, Volume 13, State Record of Water Right Certificates, in the name of W. S. Bailey, and is for the use of not to exceed 0.028 cubic foot per second of water from Caris Creek, with a date of priority of April 1890, for irrigation of a certain 0.2 acre in SW 1/4 NE 1/4 and 1.5 acres in SE 1/4 NW 1/4, Section 36, Township 37 South, Range 5 West, W.M.

Water for the said right is diverted, through the W. S. Bailey Ditch, from a point located 130 feet South and 830 feet West from the Northeast Corner of Section 36, being within the NE 1/4 NE 1/4 of Section 36, Township 37 South, Range 5 West, 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 290 feet North and 60 feet West from the Center of Section 36, being within the SE 1/4 NW 1/4, Section 36, Township 37 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of June 14, 21 and 28, 1980.

Mr. E. E. Wilken has filed a statement to the effect that the subject lands are a portion of the lands irrigated under the right allowed by the water right recorded at page 16290, Volume 13, State Record of Water Right Certificates.

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.

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:

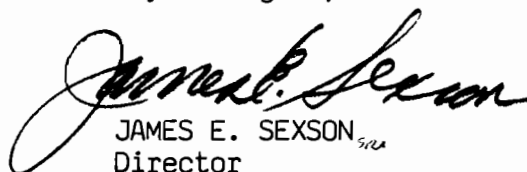
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the certificate recorded at page 16290, Volume 13, State Record of Water Right Certificates, 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.

Dated at Salem, Oregon this 11th day of August, 1980.

  
JAMES E. SEXSON SRA  
Director