

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
PRESTON E. FULLBRIGHT FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 4746

On April 15, 1981, an application was filed in the office of the Water Resources Director by Preston E. Fullbright for approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 44189, Volume 36, State Record of Water Right Certificates, in the name of James F. Johnson, describes a right which includes the use of not to exceed 0.10 cubic foot per second from Rogue River for irrigation of a certain 7.0 acres in Lot 4 (SE 1/4 SE 1/4), Section 21 and 1.4 acres in Lot 1 (NE 1/4 NE 1/4), Section 28, Township 34 South, Range 1 West, WM, with a date of priority of July 5, 1928.

Water for the said right is diverted from a point located 500 feet North and 1,140 feet West from the Southeast Corner of Section 21, being within the SE 1/4 SE 1/4 of Section 21, Township 34 South, Range 1 West, WM.

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 280 feet North and 1,230 feet West from the Southeast Corner of Section 21, being within the SE 1/4 SE 1/4 of Section 21, Township 34 South, Range 1 West, WM.

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, together with that diverted at the old 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:

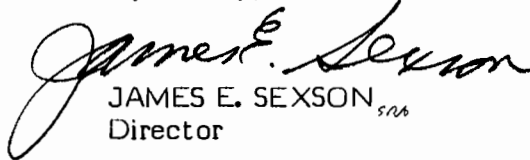
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1982.

It is FURTHER ORDERED that the certificate recorded at page 44189, Volume 36, 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 27th day of May, 1981.


JAMES E. SEXSON⁵¹⁹⁶
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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