

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF MARY KATHRYN SHANKS FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3343

On December 30, 1975, an application was filed in the office of the Water Resources Director by Mary Kathryn Shanks for approval of a change point of diversion from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 46274, Volume 38, State Record of Water Right Certificates, in the name of John H. Robinson, describes a right which includes the use of not to exceed 0.15 cubic foot per second from Applegate River for irrigation of a certain 1.0 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 37 South, Range 6 West, W.M., with a date of priority of 1897.

Water for the said right is diverted, through the Jess Ditch, from a point located 780 feet North and 800 feet East from the Southwest Corner of Section 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 37 South, Range 6 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 880 feet North and 700 feet East from the Center Corner of Section 6, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 37 South, Range 6 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Grants Pass Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of June 7, 14 and 21, 1976.

Mr. Robert B. Steimer, 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 made 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 original point of diversion under the subject right, located 1300 feet South and 120 feet East from the North Quarter Corner of Section 8, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 37 South, Range 6 West, W.M., and shall not exceed 0.15 cubic foot per second.

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:

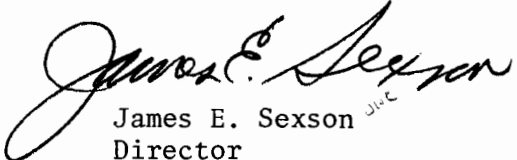
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion of water is completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 46274, Volume 38, 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 April, 1979.


James E. Sexson
Director