

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF)
RAYMOND D. AND CHRISTINE C. DODGE)
FOR APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5579

On January 7, 1985, an application was filed in the office of the Water Resources Director by Raymond D. and Christine C. Dodge for approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Supplemental Decree of the Circuit Court for Josephine County, Oregon, entered May 19, 1964, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was established in the name of Emma Blanchard, tabulated in Volume 13, page 398, Order Record of the Water Resources Director, for use of not to exceed 0.55 cubic foot per second from Applegate River for irrigation of, among other lands, a certain 8.0 acres in SE 1/4 NE 1/4, 5.0 acres in NE 1/4 SE 1/4, Section 19; 8.6 acres in SW 1/4 NW 1/4 and 6.0 acres in NW 1/4 SW 1/4, Section 20, Township 37 South, Range 5 West, WM, with a date of priority of 1903, as evidenced by the certificate recorded at page 32851, Volume 24, State Record of Water Right Certificates.

Water for the said right is diverted, through the Bunch and Swinden Ditch, from a point located 3700 feet North and 1485 feet West from the Southeast Corner of Section 20, being within the SW 1/4 NE 1/4 of Section 20, Township 37 South, Range 5 West, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to a point located 1570 feet North and 80 feet West from the East Quarter Corner of Section 19, being within the NE 1/4 NE 1/4 of Section 19, Township 37 South, Range 5 West, WM.

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 January 14, 21 and 28, 1985.

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 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 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 the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.55 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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1986.

It is FURTHER ORDERED that the certificate recorded at page 32851, Volume 24, 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 applicants herein.

Dated at Salem, Oregon, this 1st day of March, 1985.

William H. Young
WILLIAM H. YOUNG^{5,12}
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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