

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF MARTIN G. BAUER FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 4338

On November 23, 1979, an application was filed in the office of the Water Resources Director by Martin G. Bauer 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 affected water right is a portion of the right described by the certificate recorded at page 47294, Volume 40, State Record of Water Right Certificates, in the name of A.I. Hussey, and is for the use of not to exceed 0.042 cubic foot per second from Rogue River, under a priority date of May 4, 1932, for irrigation of a certain 3.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 35 South, Range 7 West, W.M.

The authorized point of diversion is located 710 feet South and 200 feet East from the Northwest Corner of Section 25, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 35 South, Range 7 West, W.M.

The applicant proposes to change the point of diversion therefrom to a point located 580 feet South and 675 feet West from the Northeast Corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 35 South, Range 7 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 December 3, 10 and 17, 1979.

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 field 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:

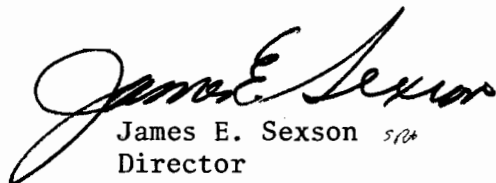
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 47294, Volume 40, 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 28th day of January, 1980.


James E. Sexson 5/84
Director