

Jackson County

IN THE MATTER OF THE APPLICATION)
 OF KROUSE RANCH, INC., FOR THE)
 APPROVAL OF A CHANGE IN POINT OF)
 DIVERSION OF WATER FROM APPEGATE)
 RIVER)

ORDER APPROVING
TRANSFER NO. 3222

On May 8, 1975, Krouse Ranch, Inc., filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Clinton S. Cook and recorded at Page 16230, Volume 13, State Record of Water Right Certificates, confirms a right to the use of 0.85 cubic foot per second of water from Applegate River for the irrigation of 6.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 19.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, and 13.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Township 38 South, Range 4 West, W.M., with a date of priority of 1887.

Certificate of water right issued to Clinton Cook and recorded at Page 3356, Volume 4, State Record of Water Right Certificates, confirms a right to the use of 0.125 cubic foot per second from Applegate River for the irrigation of 10.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 38 South, Range 4 West, W.M., with a date of priority of March 10, 1916.

Certificate of water right issued to Albert N. Krouse and recorded at Page 12054, Volume 11, State Record of Water Right Certificates, confirms a right to the use of 0.25 cubic foot per second from Applegate River for the irrigation of 15.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 38 South, Range 4 West, W.M., with a date of priority of November 16, 1937.

Certificate of water right issued to Francis A. Krouse and recorded at Page 35462, Volume 27, State Record of Water Right Certificates, confirms a right to the use of 0.88 cubic foot per second from Applegate River for the irrigation of 13.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 8.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, and 7.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 38 South, Range 4 West, W.M., with a date of priority of November 21, 1961.

These lands are irrigated by means of the S. H. Cook Ditch from a point of diversion located 1090 feet South and 220 feet West from the Northeast corner of Section 21, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 38 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1310 feet South and 880 feet West from the East quarter-corner of Section 7, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 38 South, Range 4 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on March 25, 1976, at 9:30 a.m. The notice was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of January 29, February 5 and 12, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Applegate River, to wit:

From a point located 1090 feet South and 220 feet West from the Northeast corner of Section 21, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 38 South, Range 4 West, W.M.

To a point to be located 1310 feet South and 880 feet West from the East quarter-corner of Section 7, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 38 South, Range 4 West, W.M.

for the irrigation of 6.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 19.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, 13.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Township 38 South, Range 4 West, with a date of priority of 1887; 10.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 38 South, Range 4 West, with a date of priority of March 10, 1916; 15.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 38 South, Range 4 West, with a date of priority of November 16, 1937; 13.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 8.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, and 7.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 38 South, Range 4 West, W.M., with a date of priority of November 21, 1961, is approved.

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, 1977.

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, and shall not exceed 0.85 cubic foot per second with a date of priority of 1887; and shall not exceed 0.125 cubic foot per second with a date of priority of March 10, 1916; and shall not exceed 0.25 cubic foot per second with a date of priority of November 16, 1937, and shall not exceed 0.88 cubic foot per second with a date of priority of November 21, 1961.

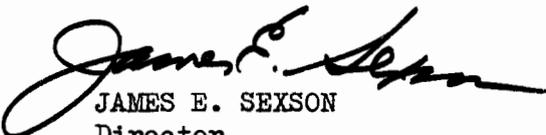
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificates of water right heretofore issued to Clinton S. Cook and recorded at Page 16230, Volume 13, Clinton Cook and recorded at Page 3356, Volume 4, Albert N. Krouse and recorded at Page 12054, Volume 11 and Francis A. Krouse and recorded at Page 35462, Volume 27, State Record of Water Right Certificates, are canceled, and in lieu of the certificate recorded at Page 3356, a new certificate be issued covering the balance of the right not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, certificates of water right shall be issued to Krouse Ranch, Inc., confirming the change in point of diversion.

Dated at Salem, Oregon, this 7th day of April, 1976.


JAMES E. SEXSON
Director