

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF CITY OF ASHLAND FOR APPROVAL ) ORDER APPROVING  
OF CHANGES IN USE AND POINT OF ) TRANSFER 5580  
DIVERSION OF WATER )

On January 7, 1985, an application was filed in the office of the Water Resources Director by City of Ashland for approval of changes in use and point of diversion of water from Ashland Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, 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 Joseph and Kizzie Million, tabulated in Volume 4, page 12, Order Record of the Water Resources Director, for use of not to exceed 0.034 cubic foot per second from Ashland Creek for irrigation of, among other lands, a certain 1.520 acres in NE 1/4 SW 1/4 and 0.686 acre in NW 1/4 SE 1/4, Section 4, Township 39 South, Range 1 East, WM, with a date of priority of 1856, as evidenced by the certificate recorded at page 45508, Volume 38, State Record of Water Right Certificates.

Water for the said right is diverted, through the Million Ditch, from a point located within the NW 1/4 NW 1/4 of Section 9, Township 39 South, Range 1 East, WM.

The applicant herein proposes to change the use and point of diversion therefrom to municipal use within Sections 4, 5, 8, 9, 10, 11, 14, 15, 16, 17 and 23, Township 39 South, Range 1 East, WM, from a point of diversion located 100 feet North and 10 feet West from the Southeast Corner of Section 20, being within the SE 1/4 SE 1/4 of Section 20, Township 39 South, Range 1 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Ashland Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of February 1, 8 and 15, 1985.

Bruce R. Sund Watermaster, has filed a statement to the effect that the proposed changes in use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in use and 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 changes in use and point of diversion are 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 0.034 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;

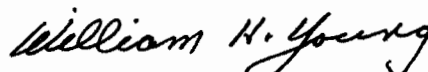
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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 said water so transferred shall be applied to beneficial use on or before October 1, 1986.

It is FURTHER ORDERED that the certificate recorded at page 45508, 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 25th day of March, 1985.

  
WILLIAM H. YOUNG<sup>504</sup>  
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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