

3682

STATUS OF APPLICATION

Change in POU & POD
 Date filed 5-23-77
 Date of hearing _____
 Place of hearing _____
 Date of order 2-9-78 Vol. 30, page 403
 Date for application of water 10-1-79
 Proof mailed DEC 31 1985
 Proof received _____
 Certificate issued 5-1-78 Vol. 49, page 45509
MAR 21 1986 54043

DESCRIPTION OF WATER RIGHT

Name of stream Thompson Creek
 Trib. of _____ County of Josephine
 Use irrigation
 Quantity of water _____ No. of acres 0.6
 Name of ditch Houston Ditch
 Date of priority _____
 In name of Jas. Bingham
Rogue Riv. Adjudication, Vol. 4, page 33
 App. No. _____ Per. No. _____ Cert. No. 16458
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-23-77</u>	<u>\$ 45.00</u>	<u>60707</u>
TOTAL . . .		
<u>2-9-78</u>	<u>\$ 2</u> Cert. Fee	<u>1033</u>

FEES REFUNDED

Date	Amount	Check No.
Exam	20-	
POU	10-	
POD	15-	
Cert	2-	
	<u>\$47-</u>	

REMARKS

PAID FOR C DEC 26 1979

James L. Pouliot
7950 Thompson Crk. Rd.
Applegate, Or. 97530

INDEX CARDS:		Entered	Checked
✓	Name	<u>lg</u>	
✓	Stream	<u>lg</u>	
✓	Pl. of Div.	<u>lg</u>	
✓	Calendar	<u>lg</u>	
CHECKED TO RECORDS:			
✓	Twp. & Rge.	<u>lg</u>	
✓	Decree-vault	<u>lg</u>	
✓	Decree-safe	<u>lg</u>	
✓	Cert. of W/R	<u>lg</u>	
	Per. Folder		
	Chaindex		
	Cross Ref.		
	Power Claim		
✓	Abstracts		

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF JAMES H. DEKLEINHANS FOR APPRO-)
VAL OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3682

On May 23, 1977, an application was filed in the office of the Water Resources Director by James H. DeKleinhans for approval of changes in place of use and point of diversion from Thompson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16458, Volume 13, State Record of Water Right Certificates, in the name of Jas. Bingham, describes a right which includes the use of not to exceed 0.01 cubic foot per second from Thompson Creek for irrigation of a certain 0.6 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 39 South, Range 5 West, W.M., with a date of priority of 1882.

Water for the said right is diverted, through the Houston Ditch, from a point located 760 feet South and 1800 feet West from the Northeast Corner of Section 25, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 39 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom, without loss of priority, to irrigate in lieu thereof a certain other 0.6 acre in the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, by diversion of water through the Miller Ditch, from a point located 590 feet South and 1900 feet West from the Northeast Corner of Section 25, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 39 South, Range 5 West, W.M.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed changes in place of 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 place of 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 requested changes in place of use and point of diversion, as described herein, without loss of priority, are 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, and shall not exceed 0.01 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:

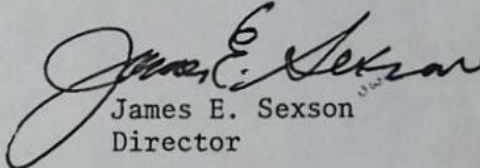
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Jas. Bingham and recorded at page 16458, Volume 13, 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 9th day of February, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Jas. Bingham

of Applegate, State of Oregon, has a right to the use of
 the waters of Thompson Creek, a tributary of Applegate River
 for the purpose of ^{35.4}irrigation of ~~36~~ acres, and Domestic and Stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Jackson County, and the said decree entered of record at Salem, in the Order Record of
 the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby
 confirmed dates from 1882;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed ~~0.52~~ cubic foot per
 second. 0.51

A description of the lands irrigated under such right, and to which the water is appurtenant (or,
 if for other purposes, the place where such water is put to beneficial use), is as follows:

~~14.4~~ ^{14.4} 35 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ - ~~0.52~~
 21 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 24,
 T. 39 S., R. 5 W., W. M.

This certificate describes that portion of the water right confirmed by the prior
 certificate recorded at page 16458, Volume 13, State Record of Water Right
 Certificates, NOT modified by the provisions of an order of the Water Resources
 Director entered on Feb 9, 1978, approving transfer application No. 3682.

The issuance of this superseding certificate does not confirm the status of the
 water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree.
 The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
 use herein described.

WITNESS the signature of the State Engineer, affixed

this 30 day of September, 1949

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16458

T# 3682