

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF DALE SATTLER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM ROGUE RIVER)
- - - - -

O R D E R

APPROVING APPLICATION

On December 3, 1962, Dale Sattler of Shady Cove, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Thomas J. Johnson and recorded at page 10540, Volume 10, State Record of Water Right Certificates, confirms a right under Permit No. 8572 for the use of the waters of Rogue River for the irrigation of, among other lands, 6.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 34 South, Range 1 West, W. M., with a date of priority of July 5, 1928. These lands are irrigated through the Dennis, Johnson and Hall ditch, the point of diversion of said ditch being located 1320 feet North and 800 feet West from the southeast corner of Section 16, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 16, Township 34 South, Range 1 West, W. M.

The applicant herein, owner of 2.4 acres of the land above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 540 feet South and 1300 feet West from the E $\frac{1}{4}$ corner of Section 21, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 21, Township 34 South, Range 1 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 February 19, 1963, at 9:30 o'clock 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 December 24 and 31, 1962, and January 7, 1963. 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 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 of water from Rogue River, to-wit:

From a point located 1320 feet North and 800 feet West from the southeast corner of Section 16, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 16, Township 34 South, Range 1 West, W. M.

To a point to be located 540 feet South and 1300 feet West from the E $\frac{1}{4}$ corner of Section 21, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 21, Township 34 South, Range 1 West, W. M.

for the irrigation of 2.4 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 34 South, Range 1 West, W. M., with a date of priority of July 5, 1928, be and the same is hereby approved.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

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.

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 pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Jackson County, Oregon, and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Thomas J. Johnson and recorded at page 10540, Volume 10, State Record of Water Right Certificates, be and the same hereby is canceled and that in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the point of diversion, a certificate of water right shall be issued to Dale Sattler confirming said change in point of diversion.

Dated at Salem, Oregon, this 26th day of February, 1963.


Notations made on records:

App. # 12171

Cert. # 10540

~~Cert. 30905~~

Superseded by
Cert. No. 31233


CHRIS L. WHEELER
State Engineer

Trsf. "S. 153"