

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF JAMES C. LUCE FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM ROGUE RIVER

ORDER APPROVING
TRANSFER NO. 2917

On November 9, 1973, James C. Luce filed an application in the office of the State Engineer for 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 Dale L. Bush and recorded at page 32724, Volume 24, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.67 cubic feet per second of water from Rogue River for the irrigation of 13.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 13.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, 1.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 33.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 35 South, Range 1 West, W.M., and for domestic and stock use, with a date of priority of 1898. These lands are irrigated from a point of diversion located 1370 feet North and 50 feet East from the South $\frac{1}{4}$ corner of Section 20, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 35 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of a pump from a point of diversion to be located 600 feet north and 1000 feet West from the South $\frac{1}{4}$ corner of Section 20, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 35 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, if any there were, namely: at the county courthouse in Medford, Oregon, on January 31, 1974 at 9:30 a.m. The notice was published in the Medford Mail Tribune, a newspaper printed and having

general circulation in Jackson County for a period of three weeks in the issues of December 10, 17 and 24, 1973. 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 statement 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 1370 feet North and 50 feet East from the South $\frac{1}{4}$ corner of Section 20, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 35 South, Range 1 West, W.M.

To a point to be located 600 feet North and 1000 feet West from the South $\frac{1}{4}$ corner of Section 20, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 35 South, Range 1 West, W.M.

for the irrigation of 13.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 13.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, 1.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 33.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 35 South, Range 1 West, W.M., with a date of priority of 1898, 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, 1974.

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 1.67 cubic feet per second.

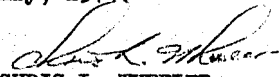
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificate of water right heretofore issued to Dale L. Bush and recorded at page 32724, Volume 24, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to James C. Luce confirming the change in point of diversion.

Dated at Salem, Oregon, this 8th day of February, 1974.


CHRIS L. WHEELER
State Engineer