

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. 2918

On November 19, 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 James C. Luce and recorded at page 31335, Volume 23, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of water from Rogue River for the irrigation of, among other lands, 13.2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 35 South, Range 1 West, W.M., with a date of priority of September 30, 1922. These lands are irrigated from a point of diversion located 1310 feet North and 20 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.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation through a pipeline from a point 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 by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in point of diversion of less than one-fourth mile.

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 1310 feet North and 20 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.

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 13.2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 35 South, Range 1 West, W.M., with a date of priority of September 30, 1922, 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 0.165 cubic foot per second.

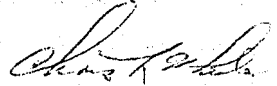
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 James C. Luce and recorded at page 31335, Volume 23, State Record of Water Right Certificates is canceled and 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 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