

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF DAVID M. AND SARA K. WELCH FOR)
CHANGES IN POINTS OF DIVERSION OF)
WATER FROM ROGUE RIVER)

O R D E R

APPROVING APPLICATION

On May 11, 1962, David M. and Sara K. Welch of Tioga, North Dakota, filed an application in the office of the State Engineer for the approval of a change in points of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to J. B. Bristow and recorded at page 11050, Volume 10, State Record of Water Right Certificates, confirms a right under Permit No. 8776 for the irrigation of, among other lands, 9 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 34 South, Range 1 West, W. M., with a date of priority of November 7, 1928. These lands are irrigated through the Bristow ditch, the point of diversion of said ditch being located 720 feet South and 2640 feet West from the E $\frac{1}{2}$ corner of Section 10, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 10, Township 34 South, Range 1 West, W. M.

Certificate of water right issued to George P. and Florence S. Waller and recorded at page 12271, Volume 11, State Record of Water Right Certificates, confirms a right under Permit No. 12635 to the use of the waters of Rogue River for the irrigation of, among other lands, 8 acres in Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 15, Township 34 South, Range 1 West, W. M., with a date of priority of May 7, 1937. These lands are irrigated through the Waller ditch, the point of diversion of said ditch being located 340 feet North and 3240 feet West from the E $\frac{1}{2}$ corner of Section 15, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 15, Township 34 South, Range 1 West, W. M.

The applicants herein, owners of 0.6 acre of the land described in paragraph 2 hereof, with a date of priority of November 7, 1928, and 0.9 acre of the land described in paragraph 3 with a date of priority of May 7, 1937,

propose to irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located 965 feet South and 390 feet West from the N $\frac{1}{2}$ corner of Section 15, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 15, 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 points of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on July 24, 1962. 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 May 29, June 5 and 12, 1962. The date set for hearing 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 of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in points of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in points of diversion of water from Rogue River, to-wit:

From a point located 720 feet South and 2640 feet West from the E $\frac{1}{2}$ corner of Section 10, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 10, Township 34 South, Range 1 West, W. M., and

From a point located 340 feet North and 3240 feet West from the E $\frac{1}{2}$ corner of Section 15, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 15, Township 34 South, Range 1 West, W. M.

To a point to be located 965 feet South and 390 feet West from the N $\frac{1}{2}$ corner of Section 15, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 15, Township 34 South, Range 1 West, W. M.

for the irrigation of 0.6 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 34 South,

Range 1 West, W. M., with a date of priority of November 7, 1928, and 0.9 acre in Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 15, Township 34 South, Range 1 West, W. M., with a date of priority of May 7, 1937, 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, 1963, 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 points of diversion.

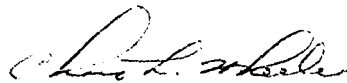
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

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.

Dated at Salem, Oregon, this 25th day July, 1962.

Notes on records
App. # 12434 § 16871
Cert. # 11050 § 12271


CHRIS L. WHEELER
State Engineer