

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF JOHN F. ZIMMERLEE FOR A CHANGE)
IN POINT OF DIVERSION OF WATER)
FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. Z-6

On February 20, 1967, John F. Zimmerlee 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 John Zimmerlee and recorded at page 20410, Volume 15, State Record of Water Right Certificates, confirms a right for the use of the waters of Rogue River for the irrigation of 23.7 acres in the NW¹/₄ SW¹/₄, 12.6 acres in the SW¹/₄ SW¹/₄, and 40.0 acres in the SE¹/₄ SW¹/₄, Section 9, Township 35 South, Range 1 West, W.M., with a date of priority of February 3, 1947.

These lands are irrigated by means of the Bellows Ditch, the point of diversion being located 365 feet north and 290 feet west from the E¹/₄ corner of Section 5, being within the SW¹/₄ NE¹/₄ of Section 5, Township 35 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 5 feet north and 120 feet east from the SW corner of Section 9, being within the SW¹/₄ SW¹/₄ of Section 9, 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 of water, if any there were, namely: at the county courthouse in Medford, Oregon, on June 15, 1967, at 9:30 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 April 24, May 1 and 8, 1967. 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 of water may be made without injury to existing rights.

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

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

From a point located 365 feet north and 290 feet west from the E $\frac{1}{4}$ corner of Section 5, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 35 South, Range 1 West, W.M.

To a point to be located 5 feet north and 120 feet east from the SW corner of Section 9, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 35 South, Range 1 West, W.M.

for the irrigation of 23.7 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 12.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 35 South, Range 1 West, W.M., with a date of priority of February 3, 1947, 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, 1968.

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 1.04 cubic foot per second.

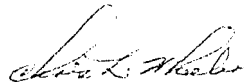
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include 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 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 John Zimmerlee and recorded at page 20410, Volume 15, 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, certificate of water right shall be issued to John F. Zimmerlee confirming said change in point of diversion of water.

Dated at Salem, Oregon, this 19th day of June, 1967.



CHRIS L. WHEELER
State Engineer