

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF MRS. C. JOY RAMOS FOR THE AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM WAGNER )  
CREEK. )  
-----

O R D E R  
APPROVING APPLICATION

On July 7, 1959, Mrs. C. Joy Ramos of Route 1, Box 518, Talent, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Wagner Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, in the matter of the determination of the relative rights of the various claimants to the waters of Rogue River and its tributaries, a water right was established in the name of T. H. Weedon for the irrigation of 7 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 11, Township 39 South, Range 1 West, W. M., from Wagner Creek, with a date of priority of 1861. These lands are irrigated through the Torrey or Allen Ditch, the point of diversion of said ditch being located 1400 feet south and 110 feet west from the northeast corner of Section 11, and being within the N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 11, Township 39 South, Range 1 West, W. M.

The applicant herein, owner of 3 acres of the land above described, proposes to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be located 1100 feet south and 550 feet west from the northeast corner of Section 11, and being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 11, Township 39 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 said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. David C. Hendrix, Watermaster of District No. 15, 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 point 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 point of diversion of water from Wagner Creek, to-wit:

From a point located 1400 feet south and 110 feet west from the northeast corner of Section 11, and being within the  $N\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 11, Township 39 South, Range 1 West, W. M.,

To a point to be located 1100 feet south and 550 feet west from the northeast corner of Section 11, and being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 11, Township 39 South, Range 1 West, W. M.,

for the irrigation of 3 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 11, Township 39 South, Range 1 West, W. M., with a date of priority of 1861, be and the same is approved.

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 construction work shall be done and the change in point of diversion of water made on or before October 1, 1960 or within such extension of time as may be granted by the State engineer for good cause shown.

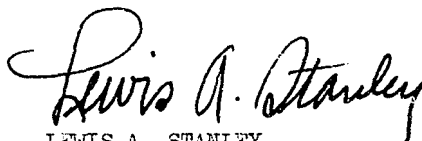
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

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 22nd day of July, 1959.

*Noted on Decree  
Vol. 4, p. 14, col. 2.  
Cert. #16063*



LEWIS A. STANLEY  
State Engineer