

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF EARL VIVELL FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM ROGUE RIVER )  
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O R D E R

APPROVING APPLICATION

On June 5, 1962, Earl Vivell of San Francisco, California, 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 W. D. Hodgson and R. L. McBride and recorded at page 1867, Volume 3, State Record of Water Right Certificates, confirms a right under Permit No. 807 to the use of the waters of the Rogue River for the irrigation of, among other lands, 85 acres in D. L. C. No. 40, being within Section 21, Township 36 South, Range 4 West, W. M., with a date of priority of August 25, 1911. The point of diversion used for the irrigation of these lands is located near the northeast corner of D. L. C. No. 40, and being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, Township 36 South, Range 4 West, W.M.

The applicant herein, owner of 4.0 acres of the lands above described, to-wit: 2.8 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 1.2 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , being within Lot 3, Riverdale Tracts, proposes to irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located North 45 degrees 23 minutes East 110 feet from the northwest corner of Lot 3, Riverdale Tracts, and being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 36 South, Range 4 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 September 5, 1962, at 9:30 o'clock a.m. The notice was published in The Times, a newspaper printed and having

general circulation in Jackson County, Oregon, for a period of three weeks in the issues of July 13, 20 and 27, 1962. 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 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 near the northeast corner of D. L. C. No. 40, and being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, Township 36 South, Range 4 West, W. M.

To a point to be located North 45 degrees 23 minutes East 110 feet from the northwest corner of Lot 3, Riverdale Tracts, and being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 36 South, Range 4 West, W. M.

for the irrigation of 2.8 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 1.2 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , being within Lot 3, Riverdale Tracts, within Section 21, Township 36 South, Range 4 West, W. M., with a date of priority of August 25, 1911, be and the same is hereby 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, 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 that is available at the old point of diversion.

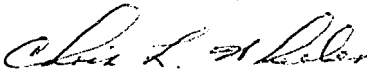
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

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, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 20th day of September, 1962.

*Noted on records*  
*App. # 1651*  
*Cert. # 1867*

  
CHRIS L. WHEELER  
State Engineer