

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION
OF H. ARLO KELLOGG FOR THE APPRO-
VAL OF A CHANGE IN POINT OF DIVER-
SION OF WATER FROM ALTHOUSE CREEK.

O R D E R

APPROVING APPLICATION

On February 25, 1954 H. Arlo Kellogg of Route 1, Box 527, Cave Junction, Oregon, filed an application for the approval of a change in point of diversion of water from Althouse Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court of Josephine County entered May 11, 1914, in the matter of the determination of the relative rights to the use of the waters of Althouse Creek and its tributaries, a water right was adjudicated in the name of Ed. Lind for the irrigation of 10 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 10 acres in Lot 3 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and 35 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, and 4 acres in Lot 4 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 4 acres in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 18, Township 40 South, Range 7 West, W. M., with a date of priority of 1876. These lands are irrigated through the Sowell and Payne Ditch, the point of diversion of said ditch being located 600 feet north and 2450 feet east from the west quarter corner of Section 8, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 8, Township 40 South, Range 7 West, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion downstream to a point to be located 400 feet south and 1100 feet east from the west quarter corner of Section 8, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 8, Township 40 South, Range 7 West, W. M.

Notice by publication as provided by ORS 540.520 was given in the Grants Pass Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks, being the issues of March 11, 18 and 25, 1954. The time for hearing as fixed in the notice, namely: May 6, 1954, was not less than thirty days after the last publication of notice.

Mr. Tom R. Pearce, Watermaster of District No. 16, has filed a report to the effect that the proposed change in point of diversion of water from Althouse Creek 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 from Althouse Creek 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 Althouse Creek, to-wit:

From a point located 600 feet north and 2450 feet east from the west quarter corner of Section 8, and being within the $SE\frac{1}{4}NW\frac{1}{4}$, said Section 8, Township 40 South, Range 7 West, W. M.,

To a point to be located 400 feet south and 1100 feet east from the west quarter corner of Section 8, and being within the $NW\frac{1}{4}SW\frac{1}{4}$, said Section 8, Township 40 South, Range 7 West, W. M.,

for the irrigation of 10 acres in the $NE\frac{1}{4}SE\frac{1}{4}$, 10 acres in Lot 3 ($SW\frac{1}{4}SE\frac{1}{4}$) and 35 acres in the $SE\frac{1}{4}SE\frac{1}{4}$, Section 7 and 4 acres in Lot 4 ($NW\frac{1}{4}NE\frac{1}{4}$) and 4 acres in Lot 3 ($NE\frac{1}{4}NW\frac{1}{4}$), Section 18, Township 40 South, Range 7 West, W. M., with a date of priority of 1876, be and the same hereby is approved.

It is FURTHER ORDERED that the change in point of diversion of water shall be completed on or before October 1, 1954 or within such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

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.

Dated at Salem, Oregon this 10th day of May 1954.

Noted on Findings
Vol. 1, p. 219
Cert. 2717

Chas. E. Stricklin
CHAS. E. STRICKLIN
State Engineer