

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE CORRECTION)
OF ERRORS IN CERTAIN WATER RIGHTS)
AND THE ISSUANCE OF A CORRECTION)
CERTIFICATE)

O R D E R

On October 5, 1962, Mr. James C. Luce of Route 2, Box 336, Eagle Point, Oregon, filed with the State Engineer an affidavit asserting that he is the owner of the lands to which are appurtenant the water rights issued in the name of George H. Stowell and evidenced by certificates recorded in Volume 4 at page 3434, Volume 5 at page 4922 and Volume 5 at page 5003, State Record of Water Right Certificates, all confirming rights to the use of the waters of Rogue River through the Stowell Ditch for irrigation; that the head of the Stowell Ditch and the diversion point from Rogue River is incorrectly described in the three certificates due to an error in the survey from which the maps to accompany the applications for permits were prepared; that said error in survey also resulted in the lands irrigated under certificate recorded in Volume 5 at page 5003 being described in error; and requesting the State Engineer to issue correction certificates so as to correctly describe the diversion point at the head of the Stowell Ditch and the location of the lands to which said water rights are appurtenant.

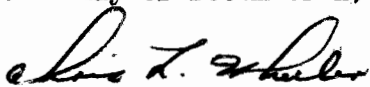
Mr. David C. Hendrix, Watermaster District No. 13, reports that he has made an inspection of the premises and that the location of the point of diversion as described in said certificates is in error and that the land to which the water right evidenced by certificate recorded in Volume 5 at page 5003 is appurtenant is actually located south of Rogue River within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 35 South, Range 1 West, W.M. Mr. Hendrix has also submitted a map showing the correct location of the point of diversion and head of the Stowell Ditch and the lands to which the water right evidenced by certificate recorded in Volume 5 at page 5003 should be appurtenant.

From the evidence submitted it appears that an error was made in the survey and preparation of the application maps for said water rights; that the point of diversion and head of the Stowell Ditch is actually located 1310 feet north and 20 feet west of the south quarter corner of Section 20, Township 35 South, Range 1 West, W.M., being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 20, and that the 20.0 acres to which a water right has been perfected under Permit No. 5649 is located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 20, instead of 5.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 15.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, as described in said certificate recorded at page 5003, Volume 5, State Record of Water Right Certificates.

It further appears that no injury to other existing water rights may result from the corrections requested.

NOW, THEREFORE, it hereby is ORDERED that the certificates recorded in Volume 4 at page 3434, Volume 5 at page 4922 and Volume 5 at page 5003, State Record of Water Right Certificates are canceled and in lieu thereof certificates of water right shall be issued to James C. Luce for the use of 0.13 cubic foot per second of the waters of Rogue River for the irrigation of 10.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of December 15, 1919; 0.50 cubic foot per second of the waters of Rogue River for the irrigation of 20.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 20.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of June 2, 1916; and 0.25 cubic foot per second of the waters of Rogue River for the irrigation of 20.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 35 South, Range 1 West, W.M., with a date of priority of September 30, 1922; all through the Stowell Ditch with the point of diversion located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 35 South, Range 1 West, W.M.

Dated at Salem, Oregon this 20th day of December 1963.


CHRIS L. WHEELER
State Engineer