

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF O. W. AND ALIENE BROTHERS FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM ROGUE)
RIVER)

ORDER APPROVING
TRANSFER NO. B-151

On December 10, 1964, O. W. and Aliene Brothers of Rogue River, Oregon, 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 which includes the use of 0.004 cubic foot per second of water from Rogue River for the irrigation of 0.3 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W.M., with a date of priority of August 25, 1911. This land is irrigated by means of the Hodgson and McBride Ditch, the point of diversion of said ditch being 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 applicants herein, owners of the land above described, propose to irrigate this land by means of a pumping plant, the point of diversion to be located south 64 degrees 02 minutes west 160 feet from the northeast corner of Lot 6 of Riverdale Tracts, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 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 May 19, 1965, at 9:30 a.m. The notice was published in the Rogue River Times, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks

in the issues of March 26, April 2 and 9, 1965. 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 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 south 64 degrees 02 minutes west 160 feet from the northeast corner of Lot 6 of Riverdale Tracts, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W.M.

for the irrigation of 0.3 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W.M., with a date of priority of August 25, 1911, 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, 1966.

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 and shall not exceed 0.004 cubic foot per second.

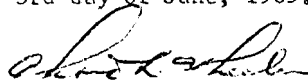
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the 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 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 O. W. and Aliene Brothers confirming said change in point of diversion and a new certificate shall be issued covering the balance of the lands not involved in this proceeding and certificate of water right heretofore issued to W. D. Hodgson and R. L. McBride and recorded at page 1867, Volume 3, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 3rd day of June, 1965.



CHRIS L. WHEELER
State Engineer