

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF MENNO S. BACHMANN FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM APPLGATE)
RIVER.)

O R D E R

APPROVING APPLICATION

On March 5, 1951 Menno S. Bachmann filed an application for the approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of Section 116-606, O. C. L. A.

By Decree of the Circuit Court for Jackson County entered April 26, 1919, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was adjudicated in the name of Wilbur W. Cameron for the irrigation of, among other lands, 17 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 39 South, Range 3 West, T. N., with a date of priority of 1876 from the Comstock ditch. The point of diversion of the Comstock ditch is located 1000 feet north and 1190 feet east from the southwest corner of Section 5, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 5, Township 40 South, Range 3 West, W. M. The Supplemental Findings of Fact and Order of Determination of the State Engineer in the above entitled matter, recognized a water right in the name of Wilbur W. Cameron for the irrigation of, among other lands, 13 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 15, through the Comstock ditch with a date of priority of 1902.

The applicant herein owner of 18 acres of the above described land, of which 5 acres have a date of priority of 1876 and 13 acres have a

late of priority of 1902, proposes to irrigate said lands by means of a portable pumping plant, to be located along the bank of Applegate River on applicant's land within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 39 South, Range 3 West, W. M.

Notice of filing the application was prepared by the State Engineer 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 court house in Medford, Oregon on May 17, 1951 at 10:00 o'clock a.m. The notice was published for a period of at least three weeks and not less than one publication each week in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, being the issues of March 23 and 30 and April 6, 1951. The date fixed for the hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. Clinton A. Smith, Watermaster of District No. 15, has filed a report to the effect that the proposed change in point of diversion of water from Applegate River 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 Applegate River, to-wit:

From a point located 1000 feet north and 1190 feet east from the southwest corner of Section 5, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 5, Township 40 South, Range 3 West, W. M.,

To a point along the bank of Applegate River on applicant's land within the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 15, Township 39 South, Range 3 West, W. M.,

for the irrigation of 18 acres in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 15, Township 39 South, Range 3 West, W. M., of which 5 acres have a date of priority of 1876 and 13 acres have a date of priority of 1902, be and the same hereby is approved.

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, 1952 or 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.

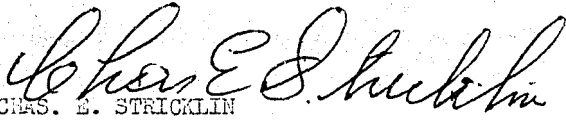
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices:

That the pumping plant be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled:

That the location of the pumping plant and channel to convey the water to the pump and the plans of the head-gate and weir or measuring device be approved, before the beginning of construction work, by the watermaster of Jackson County, Oregon, and that the head-gate, weir or measuring device be constructed under the general supervision of said watermaster.

Dated at Salem, Oregon this 22nd day of May 1951.

*Noted on Decree
Vol. 4 p. 22 col. 1
Cert. 16225
Noted on Findings
Vol. 13 p. 394
File # B-73*


CHARLES E. STRICKLIN
State Engineer