

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF CLARENCE W. RUCH FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM APPLGATE)
RIVER)

ORDER APPROVING
TRANSFER NO. 2386

On May 27, 1970, Clarence W. Ruch filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered January 10, 1940, 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 established in the name of C. A. Trumbly for the use of the waters of Applegate River for the irrigation of, among other lands, 1.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 37 South, Range 5 West, W.M., with a date of priority of February, 1892, as evidenced by certificate recorded at page 32843, Volume 24, State Record of Water Right Certificates. These lands are irrigated by means of the Laurel Hill Ditch from a point of diversion located 125 feet north and 500 feet east from the center of Section 1 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 38 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 3000 feet north and 550 feet west from the S $\frac{1}{4}$ corner of Section 35 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 37 South, Range 5 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 Grants Pass, Oregon, on September 1, 1970, at 9:30 a.m. The notice was published in The Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of July 8, 15, and 22, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. Steimer, Watermaster of District No. 14, 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 of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Applegate River, to-wit:

From a point located 125 feet north and 500 feet east from the center of Section 1 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 38 South, Range 5 West, W.M.

To a point to be located 3000 feet north and 550 feet west from the S $\frac{1}{4}$ corner of Section 35 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 37 South, Range 5 West, W.M.

for the irrigation of 1.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 37 South, Range 5 West, W.M., with a date of priority of February, 1892, 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, 1971.

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 0.024 cubic foot per second.

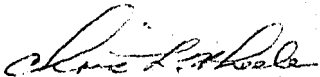
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring 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, a certificate of water right shall be issued to Clarence W. Ruch confirming said change in point of diversion.

Dated at Salem, Oregon, this 30th day of October, 1970.


CHRIS L. WHEELER
State Engineer