

IN THE MATTER OF THE APPLICATION)
 OF CITY OF ASHLAND FOR THE APPROVAL)
 OF A CHANGE IN THE USE, PLACE OF)
 USE AND POINT OF DIVERSION OF WATER)
 FROM ASHLAND CREEK)

ORDER APPROVING
TRANSFER NO. A-30

On January 17, 1963, City of Ashland filed an application in the office of the State Engineer for the approval of a change in use, place of use and point of diversion of water from Ashland Creek.

In the Rogue River adjudication proceedings a water right was established in the name of Henry Haynes for the appropriation of 0.08 cubic foot per second for the irrigation of 4.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 39 South, Range 1 East, W.M., corrected by order of the Court entered May 13, 1966, which describes the right as being 4.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 39 South, Range 1 East, W.M., and in the name of J. R. G. Haynes for the appropriation of 0.08 cubic foot per second for the irrigation of 3.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 39 South, Range 1 East, W.M., both rights with a date of priority of 1858.

The water is conveyed to these lands by means of the Helman Ditch, the point of diversion being located south 65° 30' east 755 feet from the NW corner of Section 9, Township 39 South, Range 1 East, W.M.

The applicant herein, owner of the land above described, proposes to change the use of 0.16 cubic foot per second from irrigation of 7.0 acres to municipal use of the City of Ashland, and to change the point of diversion to a point to be located 100 feet north and 10 feet west from the SE corner of Section 30, Township 39 South, Range 1 East, 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 use, place of use and point of diversion of water, if any there were, namely: at the county courthouse at Medford, Oregon, on August 11, 1966 at 9:30 a.m. The notice was published in the Ashland Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, in

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 use, place of use and point of diversion of water may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in use, place of use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in use, place of use and point of diversion is approved and the use of 0.16 cubic foot per second hereinbefore described as appurtenant to 4.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 39 South, Range 1 East, W.M., with a date of priority of 1858 be severed therefrom and simultaneously without loss of priority transferred to municipal use by the City of Ashland.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Ashland Creek, to-wit:

From a point located south 65° 30' east 755 feet from the NW corner of Section 9, Township 39 South, Range 1 East, W.M.

To a point to be located 100 feet north and 10 feet west from the SE corner of Section 26, Township 39 South, Range 1 East, W.M.

for the municipal use of the City of Ashland with a date of priority of 1858 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, 1967.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion.

It is FURTHER ORDERED that the following provision 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 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 certificate of water right heretofore issued to Henry Haynes and recorded at page 17013 and the certificate issued to J. R. C. Haynes and recorded at page 17014, Volume 13, State Record of Water Right Certificates are canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in use, place of use and point of diversion, certificates of water right shall be issued to City of Ashland confirming said changes in use, place of use and point of diversion.

Dated at Salem, Oregon, this 16th day of August, 1966.



CHRIS L. WHEELER
State Engineer

Handwritten notes:
10/11/66
A. 17. 9-19-66
V. 15 p 245