

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF EDWARD T. AND ELSIE R. RUSSELL )  
AND EDMUND M. AND HENRIETTA E. )  
BERRY FOR THE APPROVAL OF A CHANGE )  
IN POINT OF DIVERSION OF WATER )  
FROM ROGUE RIVER )

ORDER APPROVING  
TRANSFER NO. R-125

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On November 5, 1969, Edward T. and Elsie R. Russell and Edmund M. and Henrietta E. Berry 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 David M. and Sara K. Welch, Truman D. and Z. Idella Collins, John J. and Louella E. Dickenson and George P. and Florence S. Waller and recorded at page 31230, Volume 23, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of water from Rogue River for the irrigation of, among other lands, 2.0 acres in Government Lot 1 (SE¼ NW¼), Section 15, Township 34 South, Range 1 West, W.M., with a date of priority of May 7, 1937. These lands are irrigated by means of the Waller Ditch from a point of diversion located 340 feet north and 3240 feet west from the E¼ corner of Section 15 being within Lot 1 (SE¼ NW¼), Section 15, Township 34 South, Range 1 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 695 feet north and 505 feet west from the center ¼ corner of Section 15 being within Lot 1 (SE¼ NW¼), Section 15, Township 34 South, Range 1 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 January 14, 1970, at 9:30 a.m. The notice was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of November 19, 26, and December 3, 1969. 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 340 feet north and 3240 feet west from the EW corner of Section 15 being within Lot 1 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 15, Township 34 South, Range 1 West, W.M.

To a point to be located 695 feet north and 505 feet west from the center  $\frac{1}{4}$  corner of Section 15 being within Lot 1 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 15, Township 34 South, Range 1 West, W.M.

for the irrigation of 2.0 acres in Government Lot 1 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 15, Township 34 South, Range 1 West, W.M., with a date of priority of May 7, 1937, 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, 1970.

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 and shall not exceed 0.025 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 certificate of water right heretofore issued to David M. and Sara K. Welch, Truman D. and Z. Ideila Collins, John J. and Louella E. Dickenson and George P. and Florence S. Waller and recorded at page 31230, Volume 23, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and 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 Edward T. and Elsie R. Russell and Edmund M. and Henrietta E. Berry confirming the change in point of diversion.

Dated at Salem, Oregon, this 20<sup>th</sup> day of January, 1970.

  
CHRIS L. WHEELER  
State Engineer