

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF JAMES P. OLMSTED FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION OF
WATER FROM ROGUE RIVER

ORDER APPROVING
TRANSFER NO. 2948

On December 19, 1973, James P. Olmsted 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 Larson, Morrison & Tucker and recorded at page 38308, Volume 30, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.022 cubic feet per second of water from Rogue River for the irrigation of, among other lands, 0.5 acre in Lot 3 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 20, Township 36 South, Range 4 West, W.M., with a date of priority of June 6, 1913. These lands are irrigated from a point of diversion located North 10° 53' West, 2293.4 feet from the Southeast corner of Section 20, being within Lot 5 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 20, Township 36 South, Range 4 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 235 feet North and 430 feet West from the South $\frac{1}{4}$ corner of Section 20, being within Lot 3 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 20, 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 April 2, 1974 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 February 4, 11 and 18, 1974. 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 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 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 Rogue River, to wit:

From a point located North $10^{\circ} 53'$ West, 2293.4 feet from the Southeast corner of Section 20, being within Lot 5 ($NE\frac{1}{4} SE\frac{1}{4}$) of Section 20, Township 36 South, Range 4 West, W.M.

To a point to be located 235 feet North and 430 feet West from the South $\frac{1}{4}$ corner of Section 20, being within Lot 3 ($SE\frac{1}{4} SW\frac{1}{4}$) of Section 20, Township 36 South, Range 4 West, W.M.

for the irrigation of 0.5 acre in Lot 3 ($SE\frac{1}{4} SW\frac{1}{4}$), Section 20, Township 36 South, Range 4 West, W.M., with a date of priority of June 6, 1913, 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, 1974.

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 0.006 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 Larson, Morrison and Tucker and recorded at page 38308, Volume 30, 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 James P. Olmsted confirming the change in point of diversion.

Dated at Salem, Oregon, this 3rd day of April, 1974.


CHRIS L. WHEELER
State Engineer