

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF SYLVESTER C. HITSON FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM DITCH CREEK.)

O R D E R
APPROVING APPLICATION

On June 21, 1954 Sylvester C. Hitson of Route 1, Box 178, Rogue River, Oregon, filed an application for the approval of a change in point of diversion of water from Ditch Creek pursuant to the provisions of ORS 540.510 to 540.530.

In the 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 Estate of Charles Williams for the irrigation of, among other lands, 17.72 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 21.56 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, Township 34 South, Range 4 West, W. M., with a date of priority of 1877. Certificate of water right issued to Sylvester C. Hitson and recorded at page 19722, Volume 14, State Record of Water Right Certificates, confirms a right under Permit No. 18173, for the irrigation of 12 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 6 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 34 South, Range 4 West, W. M., with a date of priority of March 30, 1948. All of these lands are irrigated through the Williams ditch, the point of diversion of said ditch being located 125 feet north and 10 feet east from the north quarter corner of Section 32, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, Township 34 South, Range 4 West, W. M.

The applicant herein, owner of 44.16 acres of the lands above described, to-wit: 10.00 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 21.56 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, Township 34 South, Range 4 West, W. M., with a date of priority of 1877 and 12 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 6 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 33, with a date of priority of March 30, 1948, proposes to change the point of diversion for the irrigation of said lands upstream approximately 150 feet

to a point to be located 125 feet north and 140 feet west from the north quarter corner of Section 32, and being within the $SE\frac{1}{4} SW\frac{1}{4}$, Section 29, Township 34 South, Range 4 West, W. M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on applications for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. David Hendrix, Watermaster of District No. 15, has submitted 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 from Ditch Creek 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 Ditch Creek, to-wit:

From a point located 125 feet north and 10 feet east from the north quarter corner of Section 32, and being within the $SW\frac{1}{4} SE\frac{1}{4}$, Section 29, Township 34 South, Range 4 West, W.M.,

To a point to be located 125 feet north and 140 feet west from the north quarter corner of Section 32, and being within the $SE\frac{1}{4} SW\frac{1}{4}$, Section 29, Township 34 South, Range 4 West, W. M.,


for the irrigation of 10.00 acres in the $SW\frac{1}{4} NW\frac{1}{4}$ and 21.56 acres in the $SE\frac{1}{4} NW\frac{1}{4}$, Section 33, Township 34 South, Range 4 West, W. M., with a date of priority of 1877 and 12 acres in the $SE\frac{1}{4} NW\frac{1}{4}$ and 6 acres in the $NE\frac{1}{4} SW\frac{1}{4}$, said Section 33, with a date of priority of March 30, 1948, be and the same hereby is approved.

It is FURTHER ORDERED that construction work shall be completed and the change in point of diversion of water made on or before October 1, 1954 or within such extension of time as may be granted by the State Engineer for good cause shown and that upon the completion of such change, satisfactory proof shall be filed with the State Engineer.

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.

Dated at Salem, Oregon this 15th day of July 1954.

Noted on Decree
Vol. 4, p. 17 col. 3
Cert. 16138 and
Cert. 19722


CHAS. E. STRICKLIN
State Engineer