

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF J. EVERETT AND VERA HANNAH FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION AND PLACE OF USE OF)
WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. H-199

On September 9, 1969, J. Everett and Vera Hannah filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Mrs. J. E. Hannah and recorded at page 22460, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.01 cubic foot per second of water from Rogue River for domestic use of one family in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 35 South, Range 1 West, W.M. diverted from a point located 525 feet north and 975 feet west from the E $\frac{1}{4}$ corner of Section 5 being within Lot 6 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 5, Township 35 South, Range 1 West, W.M. and 0.21 cubic foot per second of water from Rogue River for the irrigation of, among other lands, 0.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 35 South, Range 1 West, W.M. irrigated from a point of diversion located 475 feet north and 975 feet west from the E $\frac{1}{4}$ corner of Section 5 being within Lot 6 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 5, Township 35 South, Range 1 West, W.M., with a date of priority of March 24, 1947.

The applicants herein, owners of the lands above described, propose to transfer the domestic use of one family in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 35 South, Range 1 West, W.M. therefrom, without loss of priority, to Lot 6 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 5, Township 35 South, Range 1 West, W.M. and irrigate 0.9 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.7 acres in

NW¼ SE¼, Section 5, Township 35 South, Range 1 West, W.M. from a point of diversion to be located 175 feet south and 1425 feet west from the E¼ corner of Section 5 being within the NW¼ SE¼ of Section 5, Township 35 South, Range 1 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 an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions and notice by publication is not required for a change in place of use of water.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in place of use and 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 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 place of use of water is approved and the water right hereinbefore described as domestic use of one family in SW¼ NE¼, Section 5, Township 35 South, Range 1 West, W.M., with a date of priority of March 24, 1947, be severed therefrom and simultaneously and without loss of priority transferred to Lot 6 (SE¼ NE¼), Section 5, Township 35 South, Range 1 West, W.M.

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

From a point located 475 feet north and 975 feet west from the E¼ corner of Section 5 being within Lot 6 (SE¼ NE¼), Section 5, Township 35 South, Range 1 West, W.M.

To a point to be located 175 feet south and 1425 feet west from the E¼ corner of Section

5 being within the NW¼ SE¼ of Section 5, Township 35 South, Range 1 West, W.M.

for the irrigation of 0.9 acre in SW¼ NE¼ and 1.7 acres in NW¼ SE¼, Section 5, Township 35 South, Range 1 West, W.M., with a date of priority of March 24, 1947, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1970.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion for irrigation shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.03 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 Mrs. J. E. Hannah and recorded at page 22460, Volume 16, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion and place of use, a certificate of water right shall be issued to J. Everett and Vera Hannah confirming the extent to which the water has been applied beneficially and including the lands not involved in this proceeding.

Dated at Salem, Oregon, this 13th day of February, 1970.

Chris L. Wheeler
CHRIS L. WHEELER
State Engineer