

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF ROBERT L. NEWTON FOR THE APPRO- )  
VAL OF A CHANGE IN POINT OF DIVER- )  
SION OF WATER FROM DITCH CREEK. )  
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O R D E R

APPROVING APPLICATION

On June 21, 1954 Robert L. Newton of Route 1, Box 176, 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, 14.39 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 28 and 21.69 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 17.72 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 33 and 8.65 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 0.58 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 32, Township 34 South, Range 4 West, W. M., from Ditch Creek with a date of priority of 1877. Certificate of water right issued to A. C. Palmer and recorded at page 17419, Volume 14, State Record of Water Right Certificates, confirms a right under Permit No. 18651, for the irrigation of 26 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 4 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 32, Township 34 South, Range 4 West, W. M., from Ditch Creek with a date of priority of March 16, 1949. 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 83.03 acres of the lands above described, to-wit: 14.39 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 28 and 8.65 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 0.58 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 32 and 21.69 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$

and 7.72 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 33, Township 34 South, Range 4 West, W. M., with a date of priority of 1877, and 26.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 4.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 32, Township 34 South, Range 4 West, W. M., with a date of priority of March 16, 1949, 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 in 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 $\frac{1}{4}$ , said 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 14.39 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 28 and 8.65 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 0.58 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 32 and 21.69 acres in


the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 7.72 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 33, Township 34 South, Range 4 West, W. M., with a date of priority of 1877 and 26.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 4.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 32, Township 34 South, Range 4 West, W. M., with a date of priority of March 16, 1949, be and the same hereby 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, 1954 or within such extension of time as may be granted by the State Engineer for good cause shown, and upon the completion thereof satisfactory proof filed.

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. 17419

  
CHAS. E. STRICKLIN  
State Engineer