

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF PAUL P. AND ELLA R. FUHRER FOR)
THE APPROVAL OF CHANGES IN POINTS)
OF DIVERSION OF WATER FROM ROGUE)
RIVER)

O R D E R
APPROVING APPLICATION

On March 6, 1962, Paul P. and Ella R. Fuhrer of Grants Pass, Oregon, 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 W. D. Hodgson and R. L. McBride and recorded at page 1867, Volume 3, State Record of Water Right Certificates, confirms a right under Permit No. 807 to the use of the waters of the Rogue River for the irrigation of 85 acres in D. L. C. No. 40, being within Section 21, Township 36 South, Range 4 West, W. M., with a date of priority of August 25, 1911. The point of diversion used for the irrigation of these lands is located near the northeast corner of D. L. C. No. 40, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W. M.

Certificate of water right issued to John H. Priest and recorded at page 8411, Volume 8, State Record of Water Right Certificates, confirms a right under Permit No. 5688 to the use of the waters of Rogue River for the irrigation of 2.5 acres in Government Lot 3 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 0.3 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W. M., with a date of priority of October 20, 1922. The point of diversion for the irrigation of these lands is located 300 feet South and 400 feet East from the $\frac{1}{4}$ corner between Section 16 and Section 21, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W.M.

The applicants herein, owners of 3.0 acres of the lands described in paragraph 2 hereof, to-wit: 1.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.2 acres in the

NE $\frac{1}{4}$ NW $\frac{1}{4}$, being within Lot 6, Riverdale Tracts, and being also owners of 1.9 acres of the land described in paragraph 3 hereof, to-wit: 1.6 acres in Government Lot 3 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 0.3 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, being within Lot 6, Riverdale Tracts, propose to irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant being located North 64 degrees 02' East 415.3 feet from the northwest corner of Lot 6, Riverdale Tracts, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, 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 points of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on May 16, 1962, at 9:30 o'clock a.m. The notice was published in the Rogue River Times, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of March 23, 30 and April 6, 1962. 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 points 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 points 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 near the northeast corner of D.L.C. No. 40, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W. M., and

From a point located 300 feet South and 400 feet East from the $\frac{1}{4}$ corner between Section 16 and Section 21, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W. M.

To a point to be located North 64 degrees 02' East
415.3 feet from the northwest corner of Lot 6, River-
dale Tracts, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21,
Township 36 South, Range 4 West, W. M.

for the irrigation of 1.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
with a date of priority of August 25, 1911, and 1.6 acres in Government Lot
3 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 0.3 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, with a date of priority of October
20, 1922, all being within Lot 6, Riverdale Tracts in Section 21, Township
36 South, Range 4 West, W. M., be and the same 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,
1963, or within such extension of time as may be granted by the State Engineer
for good cause shown.

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 avail-
able at the old points of diversion.

It is FURTHER ORDERED that the following provisions shall be effec-
tive when in the judgment of the watermaster it becomes necessary to install
headgates and measuring devices.

That the pumping plant and related works shall include
a weir or other suitable device for measuring the water
to which the applicant is entitled.

That the plans of the weir or other suitable device be
approved by the watermaster of Jackson County, Oregon,
before the beginning of construction work and that the
weir or measuring device be installed under the general
supervision of said watermaster.

Dated at Salem, Oregon, this 16th day of May, 1962.

Noted on records
App. # 1651 § 8685
Cert. # 1567 § 2411

Max F. Rogers
MAX F. ROGERS
Acting State Engineer