

Jackson County

IN THE MATTER OF THE APPLICATION }  
OF OSCAR C. BROTHERS FOR THE }  
APPROVAL OF A CHANGE IN POINT OF }  
DIVERSION OF WATER FROM ROGUE }  
RIVER }  
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ORDER APPROVING  
TRANSFER NO. B-166

On September 12, 1966, Oscar C. Brothers filed an application in the office of the State Engineer for 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 to the use of the water of Rogue River for the irrigation of, among other lands, 1.6 acres in the NE¼ NW¼, Section 21, Township 36 South, Range 4 West, W.M., with a date of priority of August 25, 1911.

These lands are irrigated from a point of diversion located 62 feet south and 103 feet west from the NW corner of Tract 6, Riverdale Tracts, being within the NE¼ NW¼ of Section 21, Township 36 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of a pumping plant, the point of diversion to be located 170 feet south and 310 feet west from the NW corner of Lot 6, Riverdale Tracts, being within the NE¼ NW¼ of Section 21, Township 36 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 an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

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 of water 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 62 feet south and 103 feet west from the NW corner of Tract 6, Riverdale Tracts, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 36 South, Range 4 West, W.M.

To a point located 170 feet south and 310 feet west from the NW corner of Lot 6, Riverdale Tracts, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 36 South, Range 4 West, W.M.

for the irrigation of 1.6 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 36 South, Range 4 West, W.M., with a date of priority of August 25, 1911, 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, 1967.

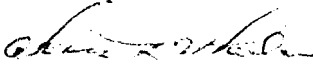
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion, and shall not exceed 0.02 cubic foot per second of water during the irrigation season.

It is FURTHER ORDERED that the following provision 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 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 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 20th day of September, 1966.

  
CHRIS L. WHEELER  
State Engineer