

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF FRED AND LEOLA A. COLLINS FOR)
THE APPROVAL OF A CHANGE IN PLACE)
OF USE AND POINT OF DIVERSION OF)
WATER FROM ANDERSON CREEK)

ORDER APPROVING
TRANSFER NO. C-159

On January 25, 1965, Fred and Leola A. Collins of Burbank, California, filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Anderson Creek pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, 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 established in the name of Elizabeth Bristow which includes the use of 0.0375 cubic foot per second of water from Anderson Creek for irrigation of 1.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 39 South, Range 1 West, W.M., with a date of priority of 1892. This right was confirmed by certificate recorded at page 16079, Volume 13, State Record of Water Right Certificates. This land is irrigated through the Snider Ditch, the point of diversion being located 550 feet south and 965 feet east from the W $\frac{1}{4}$ corner of Section 5, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 5, Township 39 South, Range 1 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom without loss of priority to 1.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 39 South, Range 1 West, W.M., and to irrigate this land by means of Collins Ditches No. 1 and No. 2, the points of diversion to be located: No. 1 - 1240 feet south and 755 feet west and No. 2 - 550 feet south and 275 feet west, both from the N $\frac{1}{4}$ corner of Section 7, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 7, Township 39 South, Range 1 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 place of use and point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on June 15, 1965, at 9:30 a.m. The notice was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of April 19, 26 and May 3, 1965. 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 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 appurtenant to 1.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 39 South, Range 1 West, W.M., with a date of priority of 1892, be severed therefrom and simultaneously and without loss of priority transferred to 1.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 39 South, Range 1 West, W.M.

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

From a point located 550 feet south and 965 feet east from the W $\frac{1}{4}$ corner of Section 5, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 5, Township 39 South, Range 1 West, W.M.

To a point to be located 1240 feet south and 755 feet west from the N $\frac{1}{4}$ corner of Section 7, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 7, Township 39 South, Range 1 West, W.M., and

To a point to be located 550 feet south and 275 feet west from the N $\frac{1}{4}$ corner of Section 7, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 7, Township 39 South, Range 1 West, W.M.

for the irrigation of 1.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 39 South, Range 1 West, W.M., with a date of priority of 1892, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1966.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.0375 cubic foot per second.

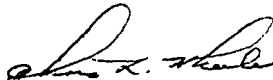
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include 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.

It is FURTHER ORDERED that certificate of water right heretofore issued to Elizabeth Bristow and recorded at page 16079, Volume 13, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, 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 Fred and Leola A. Collins confirming the change in point of diversion and the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 9th day of August, 1965.



CHRIS L. WHEELER
State Engineer