

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION  
OF HARLAN P. AND MARIE M. BOSWORTH,  
JR., FOR THE APPROVAL OF A CHANGE  
IN POINT OF DIVERSION OF WATER FROM  
APPLEGATE RIVER

ORDER APPROVING  
TRANSFER NO. 3167

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On February 12, 1975, Harlan P. and Marie M. Bosworth, Jr., filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Applegate River, 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, and as corrected by Decree of the Circuit Court for Jackson County, Oregon, entered April 23, 1945, a water right was established in the name of Charles Buman for the use of the waters of Applegate River for the irrigation of, among other lands, 25.0 acres in S $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 29, Township 38 South, Range 3 West, W.M., with a date of priority of 1902, as evidenced by certificate of water right recorded at page 33237, Volume 25, State Record of Water Right Certificates.

These lands are irrigated from a point of diversion located 2096 feet South and 98 feet East from the Northeast corner of Section 29, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, Township 38 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 1760 feet South and 635 feet West from the Northeast corner of Section 29, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 38 South, Range 3 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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Applegate River, to wit:

From a point located 2096 feet South and 98 feet East from the Northeast corner of Section 29, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28, Township 38 South, Range 3 West, W.M.

To a point to be located 1760 feet South and 635 feet West from the Northeast corner of Section 29, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 38 South, Range 3 West, W.M.

for the irrigation of 25.0 acres in S $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 29, Township 38 South, Range 3 West, W.M., with a date of priority of 1902, 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, 1975.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 0.64 cubic foot per second.

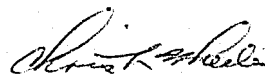
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Harlan P. and Marie M. Bosworth, Jr., and W. L. Shannon and recorded at page 33237, Volume 25, 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, certificate of water right shall be issued to to Harlan P. and Marie M. Bosworth, Jr., confirming the change in point of diversion.

Dated at Salem, Oregon this 2nd day of April, 1975.



CHRIS L. WHEELER  
State Engineer