

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION OF)
CLAIRE HANLEY, MARTHA HANLEY AND MARY)
HANLEY FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE AND POINT OF DIVERSION OF)
WATER FROM JACKSON CREEK.)

O R D E R
APPROVING APPLICATION

On July 30, 1957 Claire Hanley, Martha Hanley and Mary Hanley of Box 867, Medford, Oregon, 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 Jackson Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued in the name of Claire Hanley and recorded at page 14594, Volume 12, State Record of Water Right Certificates, confirms a right under Permit No. 15324 to the use of the waters of Jackson Creek with a date of priority of June 29, 1942 for the irrigation of 15 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 37 South, Range 2 West, W. M.

The map prepared in connection with the application for the permit to appropriate the water involved herein indicated that Jackson Creek is located approximately 900 feet westerly from the east boundary line of Section 21, Township 37 South, Range 2 West, W. M., and the five points of diversion are located (1) 82 feet south and 863 feet west; (2) 232 feet south and 870 feet west; (3) 532 feet south and 880 feet west; (4) 682 feet south and 890 feet west; and (5) 932 feet south and 900 feet west; all measured from the east quarter corner of Section 21, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 21, Township 37 South, Range 2 West, W. M.

The map prepared by Tom R. Pearce, registered professional engineer, to accompany the application of Claire Hanley, Martha Hanley and Mary Hanley for a change in place of use and point of diversion of water under consideration herein, indicates that Jackson Creek is approximately 220 feet west of the east boundary of Section 21, Township 37 South, Range 2 West, W. M. Affidavits have been filed by Arnold Bohnert, Paul B. Rynning and Wesley Hartman to the effect

that the original map filed in connection with the application for the permit to appropriate the water evidenced by the certificate of water right above described, incorrectly shows Jackson Creek to be approximately 900 feet westerly from the east boundary of Section 21, Township 37 South, Range 2 West, W. M., and that the map prepared by Tom R. Pearce to accompany the application for a change in place of use and point of diversion of the water correctly shows Jackson Creek to be not over 220 feet west from said east boundary line and that it is the accurate location of said creek as it was in 1942 when the application for permit to appropriate water was filed.

The applicants herein, owners of the lands above described, propose to transfer the water rights therefrom, without loss of priority, to 15 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 37 South, Range 2 West, W. M., and to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 870 feet south and 220 feet west from the east quarter corner of Section 21, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 21, Township 37 South, Range 2 West, W. M.

Notice by publication was not given in connection with this application for the reason that ORS 540.520 provides notice is not required in connection with applications for a change in place of use of water or a change in point of diversion of water where the distance between the present and proposed points of diversion is less than one-fourth mile and 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 place of use and point of diversion of water may be made without injury to existing rights.

It appearing that the proposed change in place of use and 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 place of use of water from Jackson Creek be and the same is approved and that the

water right hereinbefore described as appurtenant to 15 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 37 South, Range 2 West, W. M., with a date of priority of June 29, 1942 be severed therefrom and simultaneously and without loss of priority transferred to 15 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 37 South, Range 2 West, W. M.

It is FURTHER ORDERED that the proposed change in point of diversion of water to a point to be located 870 feet south and 220 feet west from the east quarter corner of Section 21, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 21, Township 37 South, Range 2 West, W. M., for the irrigation of 15 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 37 South, Range 2 West, W. M., with a date of priority of June 29, 1942, be and the same is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in place of use and point of diversion of water made on or before October 1, 1958 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 available at the old point of diversion.

It is FURTHER ORDERED that the following provisions shall be effective 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 applicants are entitled.

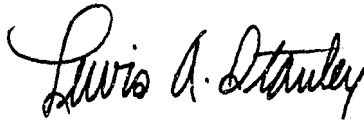
That the plans of the weir or other suitable device be approved by the watermaster of Jackson County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right recorded at page 14594, Volume 12, State Record of Water Right Certificates, which certificate

covers the lands from which the water right is being transferred, be and the same hereby is canceled, and that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water is transferred herein, a new certificate of water right shall be issued to Claire Hanley, Martha Hanley and Mary Hanley, or their successors in interest, to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon this 20th day of September 1957.

Noted on Cert. 14594



LEWIS A. STANLEY
State Engineer