

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF ORVILLE R. AND MIGNON L.)
CAUGHRAN AND AMA TAYLOR FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM NEIL CREEK)

ORDER APPROVING
TRANSFER NO. C-200

On May 1, 1969, Orville R. and Mignon L. Caughran and Ama Taylor filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Neil 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 J. W. McDonough for the use of the waters of Neil Creek for the irrigation of, among other lands, 1.2 acres in SE¼ SW¼, Section 19, Township 39 South, Range 2 East, W.M., with a date of priority of 1854. This right is evidenced by certificate recorded at page 15976, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Taylor Ditch, the point of diversion being located 330 feet south and 65 feet west from the SW corner of DLC 43 being within the SE¼ SW¼ of Section 19, Township 39 South, Range 2 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands by means of the Caughran Pump from a point of diversion to be located 660 feet north and 390 feet west from the SW corner of DLC 43 being within the SE¼ SW¼ of Section 19, Township 39 South, Range 2 East, 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 point of diversion of water may be established 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 Neil Creek, to-wit:

From a point located 330 feet south and 65 feet west from the SW corner of DLC 43 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 39 South, Range 2 East, W.M.

To a point to be located 660 feet north and 390 feet west from the SW corner of DLC 43 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 39 South, Range 2 East, W.M.

for the irrigation of 1.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 39 South, Range 2 East, W.M., with a date of priority of 1854, 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, 1970.

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 0.015 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes

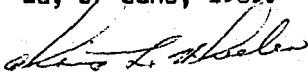
necessary to install headgates and measuring devices.

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 J. W. McDonough and recorded at page 15976, 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, a certificate of water right shall be issued to Orville R. and Mignon L. Caughran and Ama Taylor confirming said change in point of diversion.

Dated at Salem, Oregon, this 9th day of June, 1969.


CHRIS L. WHEELER
State Engineer 4