

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF JOHN. M. MCCABE FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM WARDS CREEK.)

O R D E R

APPROVING APPLICATION

On December 7, 1954 John M. McCabe of 327 North Fir Street, Medford, Oregon, filed an application for the approval of a change in point of diversion of water from Wards 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 adjudicated in the name of Lizzie Hale for domestic use and the irrigation of 6.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 36 South, Range 4 West, W. M., from Wards Creek with a date of priority of June 23, 1888. The water for domestic use and the irrigation of the above described lands is diverted through the Trimble ditch, the point of diversion of said ditch being located 660 feet south and 270 feet east from the northeast corner of Section 14, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 36 South, Range 4 West, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion for the irrigation thereof and domestic use to a pumping plant, the point of diversion of said pumping plant to be located 821 feet south and 241 feet west from the northeast corner of Section 14, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 14, 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 in applications for a change in point of diversion of water of less than one-fourth mile where 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 point of diversion of water from Wards Creek may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed point of diversion of water from Wards Creek 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 from Wards Creek, to-wit:

From a point located 660 feet south and 270 feet east from the northeast corner of Section 14, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 36 South, Range 4 West, W. M.,

To a point to be located 821 feet south and 241 feet west from the northeast corner of Section 14, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 14, Township 36 South, Range 4 West, W. M.,

for domestic use and the irrigation of 6.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 36 South, Range 4 West, W. M., with a date of priority of June 23, 1888, be and the same hereby 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, 1955 or within such extension of time as may be ordered by the State Engineer for good cause shown and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

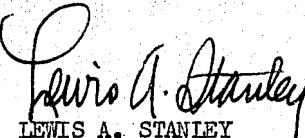
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

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 be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

That the location of the pumping plant and channel to convey the water to the pump and the plans of the headgate and weir or measuring device be approved before the beginning of construction work by the watermaster of Jackson County, Oregon, and that the headgate and weir or measuring device be constructed under the general supervision of said watermaster.

Dated at Salem, Oregon this 13th day of December 1954.


LEWIS A. STANLEY
State Engineer

Noted on Decree
Vol. 4, p. 19, col. 2
Cert. 16173