

Jackson County

IN THE MATTER OF THE APPLICATION OF JOHN AND MARILYN MOSBY FOR THE APPROVAL OF A CHANGE IN POINT OF DIVERSION OF WATER FROM JENNY CREEK

ORDER APPROVING TRANSFER NO. 2943

On December 3, 1973, John and Marilyn Mosby filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Jenny Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to George D. Williams and recorded at page 6718, Volume 7, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.75 cubic foot per second of water from Jenny Creek for the irrigation of, among other lands, 4.5 acres in SW 1/4 SW 1/4, Section 22, 8.0 acres in NW 1/4 NW 1/4, 3.5 acres in SW 1/4 NW 1/4, and 19.7 acres in NW 1/4 SW 1/4, Section 27, Township 40 South, Range 4 East, W.M., with a date of priority of October 26, 1925. These lands are irrigated by means of the Williams ditch from a point of diversion located North 25° 41' East 1796 feet from the West 1/4 corner of Section 22, being within the NW 1/4 NW 1/4, Section 22, Township 40 South, Range 4 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands by means of the East ditch from a point of diversion to be located 1240 feet North and 2990 feet West from the Southeast corner of Section 16, being within the SE 1/4 SW 1/4, Section 16, Township 40 South, Range 4 East, 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 point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on March 26, 1974, at 9:30 a.m. The

notice was published in the Ashland Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of January 29, February 5 and 12, 1974. 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 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 Jenny Creek, to wit:

From a point located North $25^{\circ} 41'$ East 1796 feet From the West $\frac{1}{4}$ corner of Section 22, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 40 South, Range 4 East, W.M.

To a point to be located 1240 feet North and 2990 feet West from the Southeast corner of Section 16, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 40 South, Range 4 East, W.M.

for the irrigation of 4.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, 8.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 3.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 19.7 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 40 South, Range 4 East, W.M., with a date of priority of October 26, 1925, 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 0.45 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 George D. Williams and recorded at page 6718, Volume 7, State Record of Water Right Certificates, is canceled, 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 John and Marilyn Mosby confirming the change in point of diversion and including the lands not involved herein.

Dated at Salem, Oregon, this 6th day of May, 1974.



CHRIS L. WHEELER
State Engineer