

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF JOHN C. RAWLS, NEIL McCORKLE )  
AND W. W. WOODWARD FOR THE APPRO- )  
VAL OF A CHANGE IN POINT OF DIVER- )  
SION OF WATER FROM APPLGATE RIVER. )  
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O R D E R

APPROVING APPLICATION

On April 28, 1950, John C. Rawls, Neil McCorkle and W. W. Woodward, by W. W. Woodward, Agent, filed an application for the approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of Section 116-606, O. C. L. A.

The supplemental findings of fact and order of determination of the State Engineer, entered January 10, 1940, in the matter of the determination of the relative rights of the various claimants to the use of the water of Rogue River and its tributaries adjudicated a water right in the name of John C. Rawls for the irrigation of 8 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 4 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 30, Township 36 South, Range 6 West, W. M., with a date of priority of February, 1898. In the same proceedings a water right was adjudicated in the name of Mary E. Murray for the irrigation of 8 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 30, Township 36 South, Range 6 West, W. M., with a date of priority of February, 1898. In the same proceedings a water right was also adjudicated in the name of B. E. Ralston for the irrigation of 2.2 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, Township 36 South, Range 6 West, W. M., with a date of priority of February, 1898. All of the foregoing described lands are irrigated through the Miller ditch from Applegate River, the point of diversion of the Miller ditch being located 400 feet south and 400 feet west from the north quarter corner of Section 6, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 6, Township 37 South, Range 6 West, W. M.

The applicants herein, owners of the lands above described, propose to change the point of diversion of water downstream to a point to be located approximately 980 feet south and 200 feet west from the north quarter corner of Section 31, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 31, Township 36 South, Range 6 West, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was given in the Grants Pass Bulletin, a newspaper printed and having general circulation in Josephine County, for a period of at least three weeks and not less than one publication each week, being in the issues of May 18, 25 and June 1, 1950. The time fixed for hearing in the notice was not less than 30 days after the last publication of said notice.

Mr. Tom R. Pearce, Watermaster of District No. 16, Grants Pass, Oregon, has filed a statement 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 of water from Applegate River 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 of water from Applegate River, to-wit:

From a point located 400 feet south and 400 feet west from the north quarter corner of Section 6, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 6, Township 37 South, Range 6 West, W. M.,

To a point to be located approximately 980 feet south and 200 feet west from the north quarter corner of Section 31, Township 36 South, Range 6 West, W. M., NENW

for the irrigation of 8 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 1.2 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 30 and 2.2 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, Township 36 South,

Range 6 West, W. H., with a date of priority of February, 1898, be and the same hereby is approved.

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 sump and the plans for the headgate and weir or measuring device be approved before the beginning of construction work by the watermaster of Josephine County, Oregon, and that the headgate, weir, or measuring device be constructed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work required to be done in connection with the proposed change in point of diversion of water shall be completed on or before October 1, 1951 or such extension of time as may be granted by the State Engineer for good cause shown.

Dated at Salem, Oregon, this 3rd day of August, 1950.



CHAS. E. STRICKLIN  
State Engineer.

*Noted on findings  
Vol. 13 p 414, 415  
R. 33*