

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF MARTIN E. KELLOGG, ET AL. FOR)
THE APPROVAL OF CHANGES IN POINTS)
OF DIVERSION OF WATER FROM ROGUE)
RIVER)

ORDER APPROVING
TRANSFER NO. K-38

On January 14, 1964, Martin E. and Lillian E. Kellogg of Los Gatos, California, Earlie Williams Marshall and Margaret Ellene Carlson of Shady Cove, Oregon, and Miles H. and Caroline S. Williams of Eagle Point, Oregon, filed an application in the office of the State Engineer for the approval of changes in points of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John Hall and recorded at page 10543, Volume 10, State Record of Water Right Certificates, confirms a right to the use of the waters of Rogue River for the irrigation of 4.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 14.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 34 South, Range 1 West, W.M., with a date of priority of July 5, 1928. These lands are irrigated through the Johnson Brothers Ditch, the point of diversion of said ditch being located 1320 feet north and 800 feet west from the southeast corner of Section 16 and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 16, Township 34 South, Range 1 West, W.M.

Martin E. and Lillian E. Kellogg, owners of 1.9 acres of the land described above as being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, propose to irrigate this land by means of a pumping plant, the point of diversion of said pumping plant to be located 1555 feet north and 1070 feet west from the southeast corner of Section 21, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 21, Township 34 South, Range 1 West, W.M.

Earlie Williams Marshall and Margaret Ellene Carlson, owners of 2.8 acres of the lands described in paragraph two hereof, to-wit: 1.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.6 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, propose to irrigate said lands

by means of a pumping plant, the point of diversion of said pumping plant to be located 1330 feet north and 1090 feet west from the southeast corner of Section 21, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 21, Township 34 South, Range 1 West, W.M.

Miles H. and Caroline S. Williams, owners of 0.9 acre of the land described in paragraph two hereof, being in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, propose to irrigate this land by means of a pumping plant, the point of diversion of said pumping plant to be located 1780 feet north and 1075 feet west from the southeast corner of Section 21, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 21, Township 34 South, Range 1 West, 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 changes in points of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on March 19, 1964, at 9:30 o'clock a.m. The notice was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of January 24, 31 and February 7, 1964. 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 changes in points of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in points of diversion 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 Rogue River, to-wit:

From a point located 1320 feet north and 800 feet west from the southeast corner of Section 16, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 16, Township 34 South, Range 1 West, W.M.

To points to be located: 1555 feet north and 1070 feet west from the southeast corner of Section 21, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 21, Township 34 South, Range 1 West, W.M.

for the irrigation of 1.9 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 34 South, Range 1 West, W.M., owned by Martin E. and Lillian E. Kellogg, and

1330 feet north and 1090 feet west from the southeast corner of Section 21, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 21, Township 34 South, Range 1 West, W.M.

for the irrigation of 1.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.6 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 34 South, Range 1 West, W.M., owned by Earlie Williams Marshall and Margaret Ellene Carlson, and

1780 feet north and 1075 feet west from the southeast corner of Section 21, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 21, Township 34 South, Range 1 West, W.M.

for the irrigation of 0.9 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 34 South, Range 1 West, W.M., owned by Miles H. and Caroline S. Williams, all with a date of priority of July 5, 1928.

It is FURTHER ORDERED that the construction work shall be completed and the changes in points of diversion of water made on or before October 1, 1965, 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 points 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 applicant is entitled.

That the plans of the weir or other suitable 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 upon receipt of proof satisfactory to the State Engineer of the completion of the point of diversion of water,

certificate of water right shall be issued to Martin E. and Lillian E. Kellogg, Earlie Williams Marshall and Margaret Ellene Carlson and Miles H. and Caroline S. Williams, or their successors in interest, confirming said change and the certificate of water right heretofore issued to John Hall and recorded at page 10543, Volume 10, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 6th day of April, 1964.



CHRIS L. WHEELER
State Engineer *Jim C*

Noted on records

App. # 12171

Cert. # 10543