

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION OF )  
DALE L. BUSH FOR THE APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF WATER )  
FROM ROGUE RIVER. ----- )

O R D E R

APPROVING APPLICATION

On November 9, 1951, Dale L. Bush, Rt. 1, Box 129, Eagle Point, Oregon, filed an application for the approval of a change in point of diversion of water from Rogue River pursuant to the provisions of Section 116-606, O. C. L. A.

In 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 Waters of Rogue River and Its Tributaries, J. M. Garrett was adjudicated a right from Rogue River for domestic and stock purposes and the irrigation of 1.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 33.8 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 20 and 13.7 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and 13.1 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 29, Township 35 South, Range 1 West, W. M., with a date of priority of 1898. The foregoing described lands are irrigated through the Nichols and Company Ditch, the point of diversion of said ditch being located 550 feet north and 525 feet east from the W $\frac{1}{4}$  corner of Section 16 and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  said Section 16, Township 35 South, Range 1 West, W. M.

The applicant herein proposes to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be located 1370 feet north and 50 feet east from the S $\frac{1}{4}$  corner, Section 20, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , said Section 20, Township 35 South, Range 1 West, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was given in the Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, for a period of three weeks, being the issues of November 30, December 7 and 14, 1951. The time for hearing upon such application as fixed in the notice, namely: January 22, 1952, was not less than 30 days after the last publication of said notice.

Mr. Clinton A. Smith, Consultant, Water District No. 15, has filed a report to the effect that the proposed change in point of diversion of water from Rogue River 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 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 approximately 550 feet north and 525 feet east from the  $W\frac{1}{4}$  corner of Section 16 and being within the  $SW\frac{1}{4}NW\frac{1}{4}$  said Section 16, Township 35 South Range 1 West, W. M.,

To a point to be located 1370 feet north and 50 feet east from the  $S\frac{1}{4}$  corner, Section 20, and being within the  $NW\frac{1}{4}SE\frac{1}{4}$ , said Section 20, Township 35 South, Range 1 West, W. M.,

for domestic and stock purposes and the irrigation of 1.2 acres in the  $NE\frac{1}{4}SE\frac{1}{4}$ , 5 acres in the  $NW\frac{1}{4}SE\frac{1}{4}$ , 33.8 acres in the  $SW\frac{1}{4}SE\frac{1}{4}$ , Section 20 and 13.7 acres in the  $NW\frac{1}{4}NE\frac{1}{4}$  and 13.1 acres in the  $SW\frac{1}{4}NE\frac{1}{4}$ , Section 29, Township 35 South, Range 1 West, W. M., with a date of priority of 1898, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1952, or within such extension of time as may be granted 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.

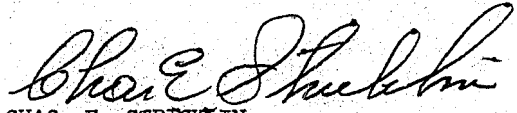
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices:

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, weir or measuring device be constructed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 6th day of February, 1952.

*Noted on Decree*  
*Vol. 13 p. 368*  
*B-76*

  
CHAS. E. STRICKLIN  
State Engineer