

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF DALE H. ROGERS FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM APPELEGATE RIVER)

ORDER APPROVING
TRANSFER NO. 2980

On February 19, 1974, Dale H. Rogers filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Dale H. Rogers and recorded at page 27350, Volume 19, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.08 cubic foot per second of water from Applegate River for the irrigation of, among other lands, 3.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 37 South, Range 6 West, W.M., with a date of priority of June 30, 1952. These lands are irrigated from a point of diversion located 90 feet North and 540 feet East from the center of Section 8, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 37 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Wilderville Irrigation Company ditch from a point of diversion to be located 700 feet South and 1330 feet East from the West $\frac{1}{4}$ corner of Section 15, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 37 South, Range 6 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 change in point of diversion of water, if any there were, namely: at the county courthouse in Grants Pass, Oregon, on June 27, 1974, at 9:30 a.m. The notice was published in the Grants Pass Daily Courier, a newspaper printed

and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of May 3, 10 and 17, 1974. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. Stekner, Watermaster of District No. 14, 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 Applegate River, to wit:

From a point located 90 feet North and 540 feet East from the center of Section 8, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 37 South, Range 6 West, W.M.

To a point to be located 700 feet South and 1330 feet East from the West $\frac{1}{4}$ corner of Section 15, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 37 South, Range 6 West, W.M.

for the irrigation of 3.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 37 South, Range 6 West, W.M., with a date of priority of June 30, 1952, 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 0.05 cubic foot per second.

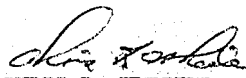
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Dale H. Rogers and recorded at page 27350, Volume 19, 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 Dale H. Rogers confirming the change in point of diversion and including the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 8th day of July, 1974.


CHRIS L. WHEELER
State Engineer