

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
 OF BERT YORK, DORA SHERZ, RHODA)
 BURCROFF, AGNES MENSCH, MAUD BABCOCK,)
 AND JOSEPHINE GIBSON, HEIRS AT LAW)
 OF EMILY YORK, DECEASED, FOR APPROVAL)
 OF A CHANGE IN PLACE OF USE AND POINT)
 OF DIVERSION OF WATER FROM GARIS CREEK.)

O R D E R
APPROVING APPLICATION

On May 22, 1941, Bert York, Dora Sherz, Rhoda Burcroff, Agnes Mensch, Maud Babcock, and Josephine Gibson, heirs at law of Emily York, deceased, filed an application for approval of a change in place of use and point of diversion of water from Garis Creek.

By decree of the Circuit Court For Jackson County, dated April 26, 1919, in the matter of the determination of the relative rights to the use of the waters of Rogue River and its tributaries, a water right was recognized in the name of J. W. York for the irrigation of one acre in NE $\frac{1}{2}$ SW $\frac{1}{2}$, Section 36, Township 37 South, Range 5 West, W. M. with a date of priority of 1873 through the York Ditch, the point of diversion of said ditch being located 350 feet north and 100 feet west from the center of Section 36, Township 37 South, Range 5 West, W. M. and being within the SE $\frac{1}{2}$ NW $\frac{1}{2}$ said section.

The applicants herein, owners of the above described land, propose to transfer the water right therefrom to one-half acre in the SW $\frac{1}{2}$ SE $\frac{1}{2}$ and one-half acre in the SE $\frac{1}{2}$ SE $\frac{1}{2}$, Section 25, Township 37 South, Range 5 West, W. M. and to convey the water for the irrigation thereof through the Bert York Ditch, the point of diversion of said ditch being located 1370 feet north and 100 feet east from the SE corner of Section 25, Township 37 South, Range 5 West, W. M., and being within the NW $\frac{1}{2}$ SW $\frac{1}{2}$, Section 30, Township 37 South, Range 4 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 of general circulation, in Josephine County, Oregon, for a period of at least three weeks and not less than one publication each week, being the issues of July 17, 24, August 1 and 8, 1941.

No objections having been filed, it appears that the proposed change in point of diversion and place of use of water may be made without injury to existing rights and the application should be approved.

NOW THEREFORE it hereby is ORDERED that the water right hereinbefore described as appurtenant to one acre in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 37 South, Range 5 West, W. M. with a date of priority of 1873 through the York Ditch, the point of diversion of said ditch being located 350 feet north and 100 feet west from the center of Section 36, Township 37 South, Range 5 West, W. M., be transferred to one-half acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and one-half acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 37 South, Range 5 West, W. M., and to convey the water for the irrigation of such lands through the Bert York Ditch, the point of diversion of such ditch being located 1370 feet north and 100 feet east from the SE corner of Section 25, Township 37 South, Range 5 West, W. M., and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 37 South, Range 4 West, W. M.

It is FURTHER ORDERED that the time limit for application of water to beneficial use shall be fixed as October 1, 1943, and upon receipt of proof satisfactory to the State Engineer of the complete application of water to such beneficial use, a certificate of water right shall be issued to Bert York, Dora Shera, Rhoda Burcroff, Agnes Mensch, Maud Babcock, and Josephine Gibson, heirs at law of Emily York, deceased, or their successors in interest to said lands, when and at the time certificates are issued in the matter of

the determination of the relative rights to the use of the waters of
Rogue River and its tributaries.

Dated at Salem, Oregon, this 4th day of January, 1943.

*Notation made on
Decree, Vol. 4, Col. 3,
page 25.*

*Cert. 16294
File # Y-3*

Chas. E. Stricklin
CHAS. E. STRICKLIN

State Engineer