

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF ANNA BELLE BERKHEISER FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM BIG)
APPLEGATE RIVER)

ORDER APPROVING
TRANSFER NO. 2388

On May 28, 1970, Anna Belle Berkheiser filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Big Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Jesse A. Wilcoxon and recorded at page 19707, Volume 14, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.04 cubic foot per second of the waters of Big Applegate River for the irrigation of 3.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 38 South, Range 4 West, W.M., with a date of priority of October 27, 1948. These lands are irrigated from a point of diversion located 1010 feet north and 30 feet west from the E $\frac{1}{4}$ corner of Section 26 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 38 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the New Berryman Ditch from a point of diversion to be located 1050 feet south and 500 feet west from the NW $\frac{1}{4}$ corner of Section 25 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 38 South, Range 4 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 Medford, Oregon, on August 5, 1970, at 9:30 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 June 10, 17, and 24, 1970. 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 change in point of diversion 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 proposed change in point of diversion of water from Big Applegate River, to-wit:

From a point located 1010 feet north and 30 feet west from the E $\frac{1}{4}$ corner of Section 26 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 38 South, Range 4 West, W.M.

To a point to be located 1050 feet south and 500 feet west from the N $\frac{1}{4}$ corner of Section 25 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 38 South, Range 4 West, W.M.

for the irrigation of 3.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 38 South, Range 4 West, W.M., with a date of priority of October 27, 1948, 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, 1971.

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 0.04 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall

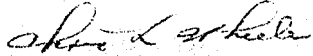
be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Jesse A. Wilcoxon and recorded at page 19707, Volume 14, 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 Anna Belle Berkheiser confirming the change in point of diversion.

Dated at Salem, Oregon, this 31st day of December, 1970.


CHRIS L. WHEELER
State Engineer