

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF THE CITY OF JACKSONVILLE FOR)
THE APPROVAL OF A CHANGE IN USE)
AND PLACE OF USE OF WATER FROM)
JACKSON CREEK AND JACKSONVILLE)
RESERVOIR)
-----)

O R D E R
APPROVING APPLICATION

On December 7, 1962, the City of Jacksonville, Oregon, filed an application in the office of the State Engineer for the approval of a change in use and place of use of water from Jackson Creek and Jacksonville Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to the City of Jacksonville and recorded at page 846, Volume 1, State Record of Water Right Certificates, confirms a right to store 75 acre feet of waters of Jackson Creek in the City of Jacksonville Reservoir for municipal use within the City of Jacksonville, with a date of priority of October 6, 1910, and certificate of water right issued to said City and recorded at page 1152, Volume 2, State Record of Water Right Certificates, confirms a right to the use of 2.0 cubic feet per second of the waters of Jackson Creek for municipal use in said City, with a date of priority of October 6, 1910.

The City of Jacksonville proposes to change the use and place of use from municipal purposes within the City of Jacksonville to that of supplemental irrigation of 9.8 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.3 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 37.7 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 8.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 37 South, Range 2 West, W. M., and irrigation of 10.2 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 29.7 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 30.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 30.

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 use and place of use of water, if any there were

namely, at the county courthouse in Medford, Oregon, on February 13, 1963, 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 December 17, 24 and 31, 1962. 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 use and place of use may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in use and place of use of water be and the same is hereby approved, and the water right hereinbefore described as being for municipal use within the City of Jacksonville, with a date of priority of October 6, 1910, be severed therefrom and simultaneously and without loss of priority transferred to 9.8 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.3 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 37.7 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 8.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 37 South, Range 2 West, W. M., for supplemental irrigation and to 10.2 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 29.7 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 30.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 30, for irrigation purposes.

It is FURTHER ORDERED that the quantity of water which may be applied to beneficial use shall be limited to a diversion of not to exceed 2.0 cubic feet per second from Jackson Creek and 75 acre feet from Jacksonville Reservoir, provided further that the quantity of water allowed herein, together with the quantity secured under any other right existing for the same lands shall not exceed 1/40 of one cubic foot per second per acre and a total diversion of not to exceed 4 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Richard R. and Helen J. Hein, or their successor in interest, to the extent to which the water has been applied beneficially and the certificates of water right heretofore issued to the City of Jacksonville and recorded at page 846, Volume 1 and page 1152, Volume 2, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 21st day of February, 1963.

Notations made on original:

*App # 1000 & 1001
Cert. # 846 & 1152*


CHRIS L. WHEELER
State Engineer

Trsf "J-35"