

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICA-)
TION OF MARGARET M. ATKINSON)
FOR THE APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER)
FROM APPLLEGATE RIVER)
-----)

ORDER APPROVING
TRANSFER NO. 2715

On September 19, 1972, Margaret M. Atkinson 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.

By Decree of the Circuit Court for Jackson County, Oregon, entered 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 established in the name of J. P. Rankin for the use of the waters of Applegate River for the irrigation of, 10.0 acres in NW¼ SW¼, Section 28, Township 38 South, Range 3 West, W.M., with a date of priority of 1902. These lands are irrigated by means of the Venable and Bowman Ditch from a point of diversion located 1300 feet South and 1700 feet East from the NW corner of Section 33, being within the NE¼ NW¼ of Section 33, Township 38 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of a pump to be located at a point of diversion 528 feet North and 1448 feet East from the NW corner of SW¼ SW¼, Section 28, being within the NE¼ SW¼ of Section 28, Township 38 South, Range 3 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 February 6, 1973, 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 December 12, 19 and 26, 1972. 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 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 of water 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 1300 feet South and 1700 feet East from the NW corner of Section 33, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 38 South, Range 3 West, W.M.

To a point to be located 528 feet North and 1448 feet East from the NW corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 38 South, Range 3 West, W.M.

for the irrigation of, 10.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 38 South, Range 3 West, W.M., with a date of priority of 1902, 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, 1974.

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 0.25

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.

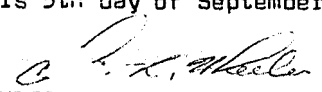
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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.

Margaret M. Atkinson assigned her interest in the right involved herein to Frank Gates, Jr., and the assignment is recorded at page 256, Volume 5, Miscellaneous Records of the State Engineer.

It is FURTHER ORDERED that certificate of water right heretofore issued to J. P. Rankin and recorded at page 16248, Volume 13, 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 Frank Gates, Jr., confirming the change in point of diversion.

Dated at Salem, Oregon, this 5th day of September, 1973.


CHRIS WHEELER
State Engineer