

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF WILLIAM G. AND CARMEN JEAN TRAVIS,
JR., FOR THE APPROVAL OF A CHANGE IN
POINT OF DIVERSION OF WATER FROM
APPELEGATE RIVER

ORDER APPROVING
TRANSFER NO. 3001

On March 22, 1974, William G. and Carmen Jean Travis, Jr., 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 September 20, 1972, 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 Wilbur W. Cameron for the use of the waters of Applegate River for the irrigation of, among other lands, 5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 39 South, Range 3 West, W.M., with a date of priority of 1876, as evidenced by certificate of water right recorded at page 40385, Volume 32, State Record of Water Right Certificates, issued in the name of Leslie G. and Thelma I. Schneider and Fred L. and Nancy R. Straube. These lands are irrigated by means of the Comstock ditch from a point of diversion located 1000 feet North and 1190 feet East from the Southwest corner of Section 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 40 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 500 feet South and 565 feet West from the center corner of Section 15, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 39 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 July 2, 1974, 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 May 6, 13 and 20, 1974. 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 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 1000 feet North and 1190 feet East from the Southwest corner of Section 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 5, Township 40 South, Range 3 West, W.M.

To a point to be located 500 feet South and 565 feet West from the center of Section 15, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 39 South, Range 3 West, W.M.

for the irrigation of 5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 39 South, Range 3 West, W.M., with a date of priority of 1876, 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 0.13 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 Leslie G. and Thelma I. Schneider and Fred L. and Nancy R. Straube and recorded at page 40385, Volume 32, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding 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 William G. and Carmen Jean Travis, Jr., confirming the change in point of diversion.

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


CHRIS L. WHEELER
State Engineer 4