

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
 OF THE NYE DITCH WATER USERS)
 ASSOCIATION FOR THE APPROVAL OF)
 A CHANGE IN POINT OF DIVERSION)
 OF WATER FROM MILL CREEK.)
 -----)

O R D E R

APPROVING APPLICATION

On August 17, 1959, Howard Mather, Art Dorson, David Neville, Marian N. Bean, Dee Hedgepeth, Ida I. Boothby, T. C. Cunningham, Elsie N. Phipps, Helen Bekker, Richard Lowry, Waldo P. Nye, Archie McKillop, Ross Lumber Company, Christine E. Dobbyn, V. L. Chapman, Reuben Moore, Stanley Jantzer, Irene Jantzer, W. M. Malcy, Howard A. Bishop, Jr., H. A. Bishop, Sr., Mrs. William F. Gaines, O. E. Stone, Warren Barr, George Wayman, Clinton I. Snodgrass, Georgia Grieve, Ella Onn, Steve Hixson, Hazel Ulrich, Adin Hammond, Richard Bean, Eldon Bean, D. M. Chandler, Jack DeRosier, Walter Smith, F. W. Simmons, F. M. Boothby and Robert L. Conger filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Following is a tabulation of the water rights involved in the proposed change in point of diversion, showing the certificate number, name of the present owner of the land to which the water right is appurtenant, date of priority of the right, subdivision and section in which the water right is located, and the number of acres having a water right in each subdivision, to-wit:

Cert. No.	Present Owner	Date of Priority	Subdi- vision	Sec- tion	Number of Acres	
					Primary	Supple- mental
13973	Ida I. Boothby	12/24/30	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1	11	-
"	Art Dorson	"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1	1	-
"	Howard Mather	"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	2	-	6
"	Christine E. Dobbyn & V. L. Chapman	"	NE $\frac{1}{4}$ SE $\frac{1}{4}$	9	-	21.5
"	T. C. Cunningham	"	NW $\frac{1}{4}$ SE $\frac{1}{4}$	9	-	12.1
"	Christine E. Dobbyn & V. L. Chapman	"	SW $\frac{1}{4}$ SE $\frac{1}{4}$	9	-	4.3

Cert. No.	Present Owner	Date of Priority	Subdi- vision	Sec- tion	Number of Acres	
					Primary	Supple- mental
13973	T. C. Cunningham	12/24/30	SW 1/4 SE 1/4	9	-	0.7
"	T. C. Cunningham	"	SE 1/4 SE 1/4	9	-	29.0
"	Richard Lowry	"	NE 1/4 NE 1/4	10	-	1.0
"	Elsie N. Phipps	"	NE 1/4 NE 1/4	10	-	30.4
"	Waldo Nye	"	NE 1/4 NE 1/4	10	-	5.9
"	Reuben Moore	"	NE 1/4 NE 1/4	10	-	0.4
"	Elsie N. Phipps	"	NW 1/4 NE 1/4	10	-	15.3
"	Marian N. Bean	"	NW 1/4 NE 1/4	10	-	10.0
"	Reuben Moore	"	NW 1/4 NE 1/4	10	-	1.1
"	Stanley & Irene Jantzer	"	NW 1/4 NE 1/4	10	-	4.0
"	Helen Bekker	"	SW 1/4 NE 1/4	10	-	6.0
"	Marian N. Bean	"	SW 1/4 NE 1/4	10	-	17.0
"	Reuben Moore	"	SW 1/4 NE 1/4	10	-	1.0
"	Richard Lowry	"	SE 1/4 NE 1/4	10	-	17.0
"	David Neville	"	SE 1/4 NE 1/4	10	-	3.0
"	Archie McKillop	"	SE 1/4 NE 1/4	10	-	1.4
"	Waldo Nye	"	SE 1/4 NE 1/4	10	-	10.0
"	Reuben Moore	"	SE 1/4 NE 1/4	10	-	7.0
"	Dee Hedgepeth	"	NE 1/4 NW 1/4	10	-	16.1
"	Dee Hedgepeth	"	SW 1/4 NW 1/4	10	-	22.4
"	Ross Lumber Company	"	SE 1/4 NW 1/4	10	-	2.6
"	Dee Hedgepeth	"	SE 1/4 NW 1/4	10	-	24.8
15601	W. M. Maloy	7/8/42	NE 1/4 NE 1/4	11	-	0.5
"	Howard A. Bishop, Jr.	"	NE 1/4 NE 1/4	11	-	2.0
"	H. A. Bishop, Sr.	"	NE 1/4 NE 1/4	11	-	3.0
"	Mrs. William F. Gaines	"	NE 1/4 NE 1/4	11	-	1.5
"	O. E. Stone	"	NE 1/4 NE 1/4	11	-	1.0
"	Warren Barr	"	NE 1/4 NE 1/4	11	-	3.0
"	George Wayman	"	NE 1/4 NE 1/4	11	-	8.0
"	Clinton I. Snodgrass	"	NE 1/4 NE 1/4	11	-	5.0
22440	Georgia Grieve	9/7/38	SW 1/4 NE 1/4	1	20.4	-
"	"	"	SE 1/4 NE 1/4	1	6.2	-
"	"	"	SE 1/4 NW 1/4	1	6.9	-
"	"	"	NE 1/4 SW 1/4	1	20.8	-
"	"	"	NE 1/4 SE 1/4	1	1.0	-
"	"	"	NW 1/4 SE 1/4	1	24.5	-
"	"	"	SW 1/4 SE 1/4	2	4.8	-
"	"	"	SE 1/4 SE 1/4	2	11.7	-
16616	Ross Lumber Company	3/19/41	SE 1/4 NW 1/4	10	(See note 1/)	-
21048	Christine E. Dobbyn	4/17/40	SW 1/4 SW 1/4	10	4.8	-
21146	Ella Onn & Steve Hixon	4/14/42	NE 1/4 NW 1/4	12	1.3	-
"	Ella Onn & Steve Hixon	"	NW 1/4 NW 1/4	12	9.1	-
"	Hazel Ulrich	"	NW 1/4 NW 1/4	12	9.6	-
21246	Adin Hammond	4/22/40	NW 1/4 SW 1/4	10	3.1	-
"	Eldon Bean, Art Dorson, Richard Bean, D. M. Chandler, Jack DeRosier & Walter Smith	"	NW 1/4 SW 1/4	10	21.0	-
"	Eldon Bean, Art Dorson, Richard Bean, D. M. Chandler, Jack DeRosier & Walter Smith	"	SW 1/4 SW 1/4	10	0.8	-
21047	David Neville	3/12/40	NW 1/4 NE 1/4	11	14.2	-
"	F. W. Simmons	"	NW 1/4 NE 1/4	11	12.1	-

Cert. No.	Present Owner	Date of Priority	Subdi- vision	Sec- tion	Number of Acres	
					Primary	Supple- mental
20052	F. M. Boothby	5/1/42	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1	2.0	-
20468	Robert L. Conger	8/8/42	NE $\frac{1}{4}$ SE $\frac{1}{4}$	10	3.6	-

Note 1/ This right is for steam boiler, mill pond, and domestic use for 10 families.

All of the above described lands are within Township 33 South, Range 2 East, W. M., and are irrigated through the Nye ditch from Mill Creek, the present point of diversion of said ditch being located 872 feet south and 467 feet east from the north quarter corner of Section 16, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 16, Township 32 South, Range 3 East, W. M.

The applicants herein, owners of the lands above described, propose to change their point of diversion downstream to a point to be located 1921 feet north and 2729 feet east from the southwest corner of Section 28, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 28, Township 32 South, Range 3 East, 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 October 28, 1959, beginning at 9:00 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 September 4, 11 and 18, 1959. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. David C. Hendrix, Watermaster of District No. 15, 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 proposed change in point of diversion of water from Mill Creek, to-wit:

From a point located 872 feet south and 467 feet east from the north quarter corner of Section 16, and being within the NW $\frac{1}{4}$ NE $\frac{1}{2}$, said Section 16, Township 32 South, Range 3 East, W. M.,

To a point to be located 1921 feet north and 2729 feet east from the southwest corner of Section 28, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 28, Township 32 South, Range 3 East, W. M.,

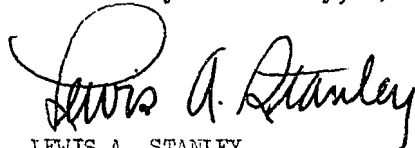
for steam boiler, mill pond, domestic use for 10 families, and irrigation of the lands described in the tabulation contained in paragraph 2 hereof, be and the same is approved.

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, 1960, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

Dated at Salem, Oregon, this 18th day of February, 1960.

*Noted on the following
Certificates:*



LEWIS A. STANLEY
State Engineer

- #13973
- #15601
- #22440
- #1661..
- #21047
- #21048
- #21146
- #21246
- #20052
- #20468

- and the respective
App. folders:*
- #13892
 - 19714
 - 17569
 - 19216
 - 18610
 - 18667
 - 19666
 - 18675
 - 19686
 - 19762