

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF THOMAS V. & CORA A. MOODY FOR
THE APPROVAL OF A CHANGE IN POINT
OF DIVERSION OF WATER FROM ROGUE
RIVER

ORDER APPROVING
TRANSFER NO. M-168

On August 29, 1966, Thomas V. and Cora A. Moody filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to W. D. Hodgson and R. L. McBride and recorded at page 1867, Volume 3, State Record of Water Right Certificates, confirms a right to the use of the waters of Rogue River for the irrigation of, among other lands, 1.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.5 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W.M., with a date of priority of August 25, 1911. These lands are irrigated by means of the Hodgson and McBride Ditch, the point of diversion of said ditch being located near the NE corner of DLC #40, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 36 South, Range 4 West, W.M.

The applicants herein, owners of the land above described, propose to irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located south 38 degrees west 400 feet from the most northerly corner of Lot 1, Riverdale Tracts, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 36 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 November 23, 1966, 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 September 26, October 3 and 10, 1966. 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 Rogue River, to-wit:

From a point located near the northeast corner of DLC #40, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W.M.

To a point to be located south 38 degrees west 400 feet from the most northerly corner of Lot 1, Riverdale Tracts, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 36 South, Range 4 West, W.M.

for the irrigation of 1.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.5 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W.M., with a date of priority of August 25, 1911, 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, 1967.

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, and shall not exceed 0.0213 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:

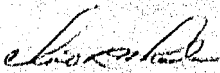
That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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.

An order dated June 3, 1965, approving a change in point of diversion for lands not involved in this proceeding also provided for the cancellation of the certificate recorded at page 1867, Volume 3, State Record of Water Right Certificates, and the issuance of a new certificate for lands not involved in the change authorized by the June 3, 1965, order.

It is FURTHER ORDERED that the lands involved in this proceeding be excluded from the new certificate referred to above and upon receipt of proof satisfactory to the State Engineer, a certificate shall be issued confirming said change in point of diversion of water and confirming other changes.

Dated at Salem, Oregon, this 13th day of December, 1966.


CHRIS L. WHEELER
State Engineer