

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF WAYNE H. AND BERTHA O. SAFLEY
FOR THE APPROVAL OF A CHANGE IN
POINT OF DIVERSION OF WATER FROM
ROGUE RIVER

ORDER APPROVING
TRANSFER NO. 2802

On May 2, 1973, Wayne H. and Bertha O. Safley 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 James C. Luce and recorded at page 31333, Volume 23, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.50 cubic feet per second of water from Rogue River for the irrigation of, among other lands, 9.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of June 2, 1916.

Certificate of water right issued to James C. Luce and recorded at page 31334, Volume 23, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.13 cubic feet per second of water from Rogue River for the irrigation of, 10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of December 15, 1919.

Certificate of water right issued to George H. Stowell and recorded at page 14548, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.0362 cubic feet per second of water from Rogue River for the irrigation of, 3.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of March 24, 1942. These lands are irrigated by means of Stowell Ditch from a point of diversion located 1310 feet North and 20 feet West from the South $\frac{1}{2}$ corner of Section 20, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 35 South,

Range 1 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 2360 feet South and 660 feet West from the North $\frac{1}{4}$ corner of Section 29, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 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 October 2, 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 August 3, 10, and 17, 1973. 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 Rogue River, to-wit:

From a point located 1310 feet North and 20 feet West from the South $\frac{1}{4}$ corner of Section 20, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 35 South, Range 1 West, W.M.

To a point to be located 2360 feet South and 660 feet West from the North $\frac{1}{4}$ corner of Section 29, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 35 South, Range 1 West, W.M.

for the irrigation of 9.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of June 2, 1916. 10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of December 15, 1919, and 3.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of March 24, 1942, 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 0.2862 cubic feet per second.

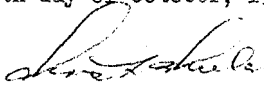
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

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 certificates of water right heretofore issued to James C. Luce and recorded at pages 31333 and 31334, Volume 23, State Record of Water Right Certificates, and George H. Stowell and recorded at page 14548, Volume 12, State Record of Water Right Certificates, are canceled, and in lieu thereof a new certificate be issued in the name of James C. Luce 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, certificates of water right shall be issued to Wayne H. and Bertha O. Safley confirming the change in point of diversion.

Dated at Salem, Oregon, this 24th day of October, 1973.


CHRIS L. WHEELER
State Engineer