

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF R. M. HAYS FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM ELK CREEK. )  
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O R D E R  
APPROVING APPLICATION

On May 19, 1952, R. M. Hays of Elk Creek Route, Trail, Oregon, filed an application for the approval of a change in point of diversion of water from Elk Creek, pursuant to the provisions of Section 116-606, O.C.L.A.

Certificate of Water Right issued to Anthony W. and Helen Doak and recorded at Page 11717, Volume 11, State Record of Water Right Certificates, confirms a right under Permit No. 10817 for the supplemental irrigation of 5 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, Township 33 South, Range 1 East, W. M., from Elk Creek, with a date of priority of February 7, 1933. These 5 acres are irrigated through the Pence ditch, the point of diversion of said ditch being located 1270 feet north and 1020 feet west from the southeast corner of Section 8, and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 8, Township 33 South, Range 1 East, W. M.

The applicant herein, owner of the land above described, proposes to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be located 625 feet north and 1871 feet west from the southeast corner of Section 17, and being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 17, Township 33 South, Range 1 East, W. M.

Notice by publication as provided by Section 116-606, O.C.L.A., was given in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks, being the issues of May 27 and June 3 and 19, 1952. The time for hearing as fixed in the notice, namely: July 22, 1952, was not less than thirty days after the last publication of the notice.

Mr. David Hendrix, Watermaster, District No. 15, has filed a report to the effect that the proposed change in point of diversion of water from Elk Creek 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 from Elk Creek 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 Elk Creek, to-wit:

From a point located 1270 feet north and 1020 feet west from the southeast corner of Section 8, and being within the  $SE\frac{1}{4}$   $SE\frac{1}{4}$ , said Section 8, Township 33 South, Range 1 East, W. M.,

To a point to be located 625 feet north and 1871 feet west from the southeast corner of Section 17, and being within the  $SW\frac{1}{4}$   $SE\frac{1}{4}$ , said Section 17, Township 33 South, Range 1 East, W. M.,

for the supplemental irrigation of 5 acres in the  $SW\frac{1}{4}$   $SE\frac{1}{4}$ , Section 17, Township 33 South, Range 1 East, W. M., with a date of priority of February 7, 1933, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1952 or within such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

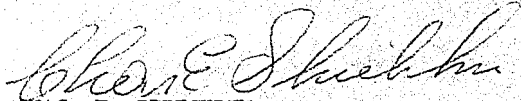
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices:

That the pumping plant be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

That the location of the pumping plant and channel to convey the water to the pump and the plans of the headgate and weir or measuring device be approved, before the beginning of construction work, by the watermaster of Jackson County, Oregon and that the headgate, weir or measuring device be constructed under the general supervision of said watermaster.

Dated at Salem, Oregon this 27th day of May, 1952.

Noted on Cert. 11717

  
CHAS. E. STRICKLIN  
State Engineer