

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF WILLIAM F. SPRATLING, THOMAS A.)  
WELLS AND EUNICE M. SMITH FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM APPLLEGATE )  
RIVER. )  
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ORDER  
APPROVING APPLICATION

5-123

On November 12, 1959, William F. Spratling, Thomas A. Wells and Eunice M. Smith 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 April 26, 1919, in the matter of the determination of the relative rights of the various claimants to the waters of Rogue River and its tributaries, a water right was established in the name of John H. Robinson for the irrigation of 27 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 7 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 6, Township 37 South, Range 6 West, W. M., with a date of priority of 1897, and in the name of J. L. Helms for the irrigation of 18 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 23.7 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 33.3 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 31.8 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 37.3 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 12.7 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31, Township 36 South, Range 6 West, W. M., with a date of priority of February 1897. Certificate of water right issued to John H. Robinson and recorded at page 6321, Volume 6, State Record of Water Right Certificates, confirms a right under Permit No. 5050 for the irrigation of 3 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 2 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 2 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 12 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, Township 37 South, Range 6 West, W. M., with a date of priority of May 9, 1921. All of the lands above described are irrigated through the Jess ditch from Applegate River, the point of diversion of said ditch being located 1300 feet south and 120 feet east from the north quarter corner of Section 8, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 8, Township 37 South, Range 6 West, W. M.

The applicants herein, owners of the lands above described, propose to move their point of diversion downstream to a point to be located 780 feet north and 800 feet east from the southwest corner of Section 5, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 5, Township 37 South, Range 6 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 Grants Pass, Oregon, on January 27, 1960, beginning at 9:00 o'clock a.m. The notice was published in the Grants Pass Bulletin, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of December 3, 10, and 17, 1959. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. George W. Thrasher, as Watermaster of District No. 16, 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 Applegate River, to-wit:

From a point located 1300 feet south and 120 feet east from the north quarter corner of Section 8, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 8, Township 37 South, Range 6 West, W. M.,

To a point to be located 780 feet north and 800 feet east from the southwest corner of Section 5, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 5, Township 37 South, Range 6 West, W. M.,

for the irrigation of 27 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 7 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 6, Township 37 South, Range 6 West, W. M., with a date of priority

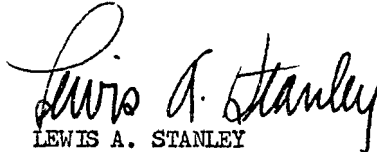
of 1897, and 18 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 23.7 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 33.3 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 31.8 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 37.3 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 12.7 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31, Township 36 South, Range 6 West, W. M., with a date of priority of February 1897, and 3 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 2 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 2 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 12 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, Township 37 South, Range 6 West, W. M., with a date of priority of May 9, 1921, 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 24th day of May, 1960.

*Noted on Decrees:*  
Vol. 4, page 23, col. 3  
Vol. 13, page 406  
App. # 7881  
Cert. # 6321  
and  
Cert. # 16251  
Trst # 5-123

  
LEWIS A. STANLEY  
State Engineer