

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF C. J. AND J. E. WOODWARD FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM APPLE-)
GATE RIVER)

ORDER APPROVING
TRANSFER NO. W-126

On August 28, 1967, C. J. and J. E. Woodward 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.

Certificate of water right issued to Ray Offenbacher and recorded at page 12048, Volume 11, State Record of Water Right Certificates, confirms a right to the use of the waters of Applegate River for the irrigation of 6.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.5 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 38 South, Range 3 West, W.M., with a date of priority of September 3, 1937.

By Decree of the Circuit Court for Jackson County, Oregon, entered January 10, 1940, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the names of Ray and Maybelle Offenbacher for the use of the waters of Applegate River for the irrigation of 15.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 11.9 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, Township 38 South, Range 3 West, W.M., with a date of priority of 1902.

These lands are all irrigated from a point of diversion located 1300 feet south and 1700 feet east from the NW corner of Section 33, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 38 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate said lands from a point of diversion to be located 250 feet south and 1385 feet east from the NW corner of Government Lot 2, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 38 South, Range 3 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 15, 1967, 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 19, 26, and October 3, 1967. 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 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 1700 feet east from the NW corner of Section 33, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 38 South, Range 3 West, W.M.

To a point to be located 250 feet south and 1385 feet east from the NW corner of Gov't Lot 2, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 38 South, Range 3 West, W.M.

for the irrigation of 6.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.5 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 38 South, Range 3 West, W.M., with a date of priority

of September 3, 1937, and 15.0 acres in NE¼ SW¼, and 11.9 acres in W½ NW¼ SE¼, Section 29, Township 38 South, Range 3 West, W.M., with a date of priority of 1902, 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, 1968.

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 0.54 cubic foot per second of water with a priority date of 1902, and 0.09 cubic foot per second of water with a priority date of September 3, 1937.

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 an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

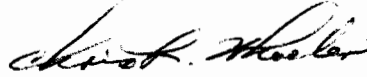
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Ray Offenbacher and recorded at page 12048, Volume 11, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion of water, a certificate of water right shall be issued to C. J. and J. E. Woodward confirming the change in point of diversion.

It is FURTHER ORDERED that certificate of water right heretofore issued to Ray and Maybelle Offenbacher and recorded at page 32903, Volume 24, State Record of Water Right Certificates, is canceled and

upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion of water, a certificate of water right shall be issued to C. J. and J. E. Woodward confirming the change in point of diversion.

Dated at Salem, Oregon, this 15th day of December, 1967.



CHRIS L. WHEELER
State Engineer