

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF RAY W. AND JEAN S. RYAN AND)
MABEL C. PATTERSON FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION AND PLACE OF USE OF)
WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. R-121

On April 2, 1969, Ray W. and Jean S. Ryan and Mabel C. Patterson filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered May 19, 1964, 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 name of Thomas A. and Herbert L. Carlton for the use of the waters of Rogue River for the irrigation of, among other lands, 7.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23 and 16.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 33 South, Range 1 East, W.M., with a date of priority of 1893. This right is evidenced by certificate recorded at page 32721, Volume 24, State Record of Water Right Certificates. These lands are irrigated by means of the Gordon Ditch from a point of diversion located 830 feet south and 740 feet east from the NW corner of Section 20 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 33 South, Range 2 East, W.M.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 18.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 36 South, Range

2 West, 4.55 acres in Lot 7 (NW¼ NW¼) and 1.25 acres in Lot 6 (SW¼ NW¼), Section 6, Township 36 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 and place of use of water, if any there were, namely: at the county courthouse in Medford, Oregon, on July 23, 1969, 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 May 26, June 2 and 9, 1969. 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 and place of use 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 and place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 7.5 acres in SE¼ NE¼, Section 23 and 16.8 acres in SW¼ NW¼, Section 24, Township 33 South, Range 1 East, W.M., with a date of priority of 1893, be severed therefrom and simultaneously and without loss of priority transferred to 18.5 acres in NE¼ NE¼, Section 1, Township 36 South, Range 2 West, 4.55 acres in Lot 7 (NW¼ NW¼) and 1.25 acres in Lot 6 (SW¼ NW¼), Section 6, Township 36 South, Range 1 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Rogue River, to-wit:

From a point located 830 feet south and 740 feet east from the NW corner of Section 20 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 33 South, Range 2 East, W.M.

To a point to be located 420 feet south and 1810 feet east from the NW corner of Section 6 being within Lot 7 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 6, Township 36 South, Range 1 West, W.M.

for the irrigation of 18.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 36 South, Range 2 West, 4.55 acres in Lot 7 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and 1.25 acres in Lot 6 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 6, Township 36 South, Range 1 West, W.M., with a date of priority of 1893, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1970.

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 be limited to 0.49 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.

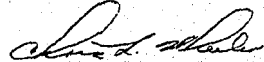
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 Thomas A. and Herbert L. Carlton and recorded at page 32721, Volume 24, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued 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 and place of use, a certificate of water right shall be issued to Ray W. and Jean S. Ryan and Mabel C. Patterson confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 6th day of August, 1969.



CHRIS L. WHEELER
State Engineer