

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF RICHARD R. HEIN FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM WALKER )  
CREEK, A TRIBUTARY OF JACKSON )  
CREEK. )  
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ORDER  
APPROVING APPLICATION

On May 30, 1960, Richard R. Hein of Route 1, Box A, Jacksonville, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Walker Creek, a tributary of Jackson Creek, 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 Walter Mackay and Fletcher Linn for domestic use, stock, and the irrigation of 40 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 20 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 30, Township 37 South, Range 2 West, W. M., with a date of priority of 1865, from Walker Creek, a tributary of Jackson Creek, through the Linn ditch. The point of diversion of the Linn ditch is located 1270 feet south and 40 feet east from the north quarter corner of Section 30, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 30, Township 37 South, Range 2 West, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of the Hein ditch, the point of diversion of said ditch being located 30 feet south and 400 feet west from the north quarter corner of Section 30, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 30, Township 37 South, Range 2 West, W. M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice

is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. David C. Hendrix, Watermaster of District No. 15, 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 Walker Creek, a tributary of Jackson Creek, to-wit:

From a point located 1270 feet south and 40 feet east from the north quarter corner of Section 30, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 30, Township 37 South, Range 2 West, W. M.,

To a point to be located 30 feet south and 400 feet west from the north quarter corner of Section 30, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 30, Township 37 South, Range 2 West, W. M.,

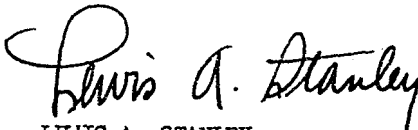
for domestic use, stock, and the irrigation of 40 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 20 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 30, Township 37 South, Range 2 West, W. M., with a date of priority of 1865, be and the same is approved.

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, 1961, 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 18th day of July, 1960.

*Noted on Decree  
Vol. 4, page 16, col. 2  
Cert. # 16106  
Trsf. # H-114*



LEWIS A. STANLEY  
State Engineer