

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF O. DALE AND MARGARET E. DAVIS )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
ROGUE RIVER )  
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ORDER APPROVING  
TRANSFER NO. D-131

On June 10, 1968, O. Dale and Margaret E. Davis filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John C. Stille and recorded at page 11059, Volume 10, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.03 cubic foot per second of water from Rogue River for the irrigation of, among other lands, 0.4 acre in Lot 5 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 15, Township 34 South, Range 1 West, W.M., with a date of priority of May 14, 1924. These lands are irrigated from a point of diversion located 690 feet South and 1760 feet East from the NW corner of Section 15 being within Lot 5 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 15, Township 34 South, Range 1 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 940 feet South and 1710 feet East from the NW corner of Section 15 being within Lot 5 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 15, Township 34 South, Range 1 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. 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 point of diversion of water may be established without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Rogue River, to-wit:

From a point located 690 feet South and 1760 feet East from the NW corner of Section 15 being within Lot 5 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 15, Township 34 South, Range 1 West, W.M.

To a point to be located 940 feet South and 1710 feet East from the NW corner of Section 15 being within Lot 5 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 15, Township 34 South, Range 1 West, W.M.

for the irrigation of 0.4 acre in Lot 5 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 15, Township 34 South, Range 1 West, W.M., with a date of priority of May 14, 1924, 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, 1969.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 0.006 cubic foot per second.

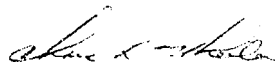
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 John C. Stille and recorded at page 11059, Volume 10, 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, a certificate of water right shall be issued to D. Dale and Margaret E. Davis confirming said change in point of diversion.

Dated at Salem, Oregon, this 12<sup>th</sup> day of December, 1966.



CHRIS L. WHEELER  
State Engineer