

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF HARRY W. KUHN FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 2458

On October 26, 1970, Harry W. Kuhn 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 35908, Volume 27, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.024 cubic foot per second of water from Rogue River for the irrigation of, among other lands, 0.25 acre in Lot 5 (NE¼ NW¼), 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 725 feet south and 2105 feet east from the NW corner of Section 15 being within Lot 5 (NE¼ NW¼), Section 15, Township 34 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1160 feet south and 2020 feet east from the NW corner of Section 15 being within Lot 5 (NE¼ NW¼), Section 15, Township 34 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 of water, if any there were, namely: at the county courthouse in Medford, Oregon, on January 5, 1971, 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 November 9, 16, and 23, 1970. 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 may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion 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 Rogue River, to-wit:

From a point located 725 feet south and 2105 feet east from the NW corner of Section 15 being within Lot 5 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 15, Township 34 South, Range 1 West, W.M.

To a point to be located 1160 feet south and 2020 feet east from the NW corner of Section 15 being within Lot 5 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 15, Township 34 South, Range 1 West, W.M.

for the irrigation of 0.25 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, 1971.

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 0.004 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.

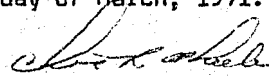
That the diversion works shall include an in-line

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 John C. Stille and recorded at page 35908, Volume 27, 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 Harry W. Kuhn confirming the change in point of diversion.

Dated at Salem, Oregon, this 12th day of March, 1971.



CHRIS L. WHEELER
State Engineer