

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF THE CITY OF ASHLAND FOR THE)
APPROVAL OF A CHANGE IN USE, PLACE)
OF USE AND POINT OF DIVERSION OF)
WATER FROM ASHLAND CREEK)

ORDER APPROVING
TRANSFER NO. A-39

On August 10, 1966, the City of Ashland filed an application in the office of the State Engineer for the approval of a change in use, place of use and point of diversion of water under two rights from Ashland 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 to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of the Oregon and California Railroad for the use of 0.19 cubic foot per second from Ashland Creek for locomotive supply and roundhouse in Section 9, Township 39 South, Range 1 East, W.M., with a date of priority of 1854. This right was confirmed by certificate recorded at page 16027, Volume 13, State Record of Water Right Certificates. This land is supplied with water from a point of diversion located 630 feet south and 170 feet east from the NW corner of the SW¹/₄ of Section 9, being within the NW¹/₄ SW¹/₄, Section 9, Township 39 South, Range 1 East, W.M.

In the same proceedings, a water right was established in the name of Robert Casey for the use of 0.08 cubic foot per second from Ashland Creek for stock use and the irrigation of, among other lands, 4.0 acres in the SE¹/₄ NE¹/₄, Section 5, Township 39 South, Range 1 East, W.M., with a date of priority of 1858. This right was confirmed by certificate recorded at page 16003, Volume 13, State Record of Water Right Certificates. This land is irrigated from a point of diversion located 200 feet south and 825 feet east from the NW corner of

Section 9, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 39 South, Range 1 East, W.M.

The applicant herein proposes to transfer the water right under both rights without loss of priority to municipal use of the City of Ashland in Sections 4, 5, 8, 9, 10, 15, 16, and 17, Township 39 South, Range 1 East, W.M., and to divert water from a point of diversion to be located 100 feet north and 10 feet west from the SE corner of Section 20, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 39 South, Range 1 East, 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 use, place of use, and point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on March 8, 1967, at 9:30 a.m. The notice was published in the Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of January 11, 18, and 25, 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 use, place of use, and 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 use, place of use, and 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 use and place of use of water from the use of 0.19 cubic foot per second for locomotive supply and roundhouse use in Section 9, Township 39 South, Range 1 East, W.M., with a date of priority of 1854; and from the use of 0.08 cubic

foot per second for stock use and the irrigation of 4.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 39 South, Range 1 East, W.M., with a date of priority of 1858 to municipal use of the City of Ashland in Sections 4, 5, 8, 9, 10, 15, 16, and 17, Township 39 South, Range 1 East, W.M., is approved.

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

From a point located 630 feet south and 170 feet east from the NW corner of the SW $\frac{1}{4}$ of Section 9, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 39 South, Range 1 East, W.M.

From a point located 200 feet south and 825 feet east from the NW corner of Section 9, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 39 South, Range 1 East, W.M.

To a point to be located 100 feet north and 10 feet west from the SE corner of Section 20, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 39 South, Range 1 East, W.M.

for the municipal use of the City of Ashland in Sections 4, 5, 8, 9, 10, 15, 16, and 17, Township 39 South, Range 1 East, W.M., with dates of priority of 1858 and 1854, 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, 1967.

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 points of diversion.

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.

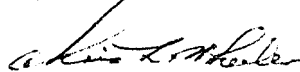
That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 Oregon and California Railroad and recorded at page 16027, Volume 13, 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 and application of water to beneficial use, a certificate of water right shall be issued to City of Ashland confirming the extent to which water has been applied beneficially.

It is FURTHER ORDERED that certificate of water right heretofore issued to Robert Casey and recorded at page 16003, Volume 13, 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 application of water to beneficial use, a certificate of water right shall be issued to City of Ashland confirming the extent to which water has been applied beneficially.

Dated at Salem, Oregon, this 8th day of March, 1967.



CHRIS L. WHEELER
State Engineer