

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF TED R. FLURY FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM ROGUE RIVER. )  
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O R D E R  
APPROVING APPLICATION

On April 22, 1960, Ted R. Flury of Route 1, Box 586, Eagle Point, Oregon, 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.

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 Henry French for the irrigation of 25 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, Township 35 South, Range 1 West, W. M., from Rogue River with a date of priority of 1898. These lands are irrigated through the Nichols and Company ditch, the point of diversion of said ditch being located 550 feet north and 525 feet east from the west quarter corner of Section 16, and being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 16, Township 35 South, Range 1 West, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion for the irrigation of said lands downstream to a pumping system, the points of diversion of said pumping system to be located 914 feet north and 2081 feet west from the southeast corner of Section 17, and 526 feet north and 2232 feet west from the southeast corner of Section 17, both being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 17, Township 35 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 June 29, 1960, beginning at 9:00 o'clock a.m. The notice was published in the Medford Mail Tribune, a newspaper printed and having a general circulation in Jackson County, Oregon, for a period of three weeks in the issues of May 2, 9, and 16, 1960. The date set for hearing was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 15, has filed a statement 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 Rogue River, to-wit:

From a point located 550 feet north and 525 feet east from the west quarter corner of Section 16, and being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 16, Township 35 South, Range 1 West, W. M.,

To points to be located 914 feet north and 2081 feet west from the southeast corner of Section 17, and 526 feet north and 2232 feet west from the southeast corner of Section 17, both being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 17, Township 35 South, Range 1 West, W. M.,

for the irrigation of 25 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, Township 35 South, Range 1 West, W. M., with a date of priority of 1898, be and the same is approved.

It is FURTHER ORDERED that the construction work shall be done 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.

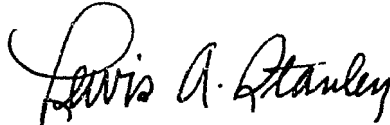
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the pumping plant and related 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 of Jackson County, Oregon, and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 27th day of July, 1960.



LEWIS A. STANLEY  
State Engineer

*Noted on Decree*  
*Vol. 4, page 3, col. 2*  
*Cert. #15832*

*Trsf. # F-43*