

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF ELVA T. RAWLS FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM APPELEGATE RIVER)
- - - - -

ORDER APPROVING
TRANSFER NO. R-98

On August 14, 1967, Elva T. Rawls filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Applegate River pursuant to provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered January 10, 1940, 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 John C. Rawls for the use of the waters of the Applegate River for the irrigation of 8.0 acres in NW¼ SE¼ and 4.0 acres in SW¼ SE¼, Section 30, Township 36 South, Range 6 West, W.M., with a date of priority of February, 1898. This right was confirmed by certificate recorded at page 32925, Volume 24, State Record of Water Right Certificates. This land is irrigated from a point of diversion located 980 feet South and 200 feet West from the NW corner of Section 31, and being within NE¼ NW¼, Section 31, Township 36 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to a point to be located 540 feet South and 810 feet East from the NW corner of SW¼ SE¼, and being within SW¼ SE¼, Section 30, Township 36 South, Range 6 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 at Grants Pass, Oregon, on February 14, 1968, at 9:30 a.m. The notice was published in The Grants Pass Bulletin, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of December 21, and 28, 1967 and January 4, 1968. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. Steimer, Watermaster of District No. 14, 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 Applegate River, to-wit:

From a point located 980 feet South and 200 feet West from the N $\frac{1}{4}$ corner of Section 31, and being within NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 36 South, Range 6 West, W.M.

To a point to be located 540 feet South and 810 feet East from the NW corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 36 South, Range 6 West, W.M.

For the irrigation of 8.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M., with a date of priority of February, 1898, 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, 1968.

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 0.24 cubic foot per second.

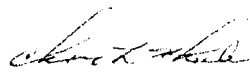
It is FURTHER ORDERED that the following provision shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in-line flow meter, 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. Rawls and recorded at page 32925, Volume 24, 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, a certificate of water right shall be issued to Elva T. Rawls confirming said change in point of diversion.

Dated at Salem, Oregon, this 16th day of February, 1968.


CHRIS L. WHEELER
State Engineer