

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF WARREN J. AND VIOLET L. BOTTROFF )  
FOR THE APPROVAL OF A CHANGE IN POINT )  
OF DIVERSION OF WATER FROM WARDS CREEK. )  
-----

O R D E R  
APPROVING APPLICATION

On July 19, 1955 Warren J. and Violet L. Bottroff of Box 412, Rogue River, Oregon, filed an application for the approval of a change in point of diversion of water from Wards Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, 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 adjudicated in the name of Elmer E. Bagley for the irrigation of 4 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 3 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 18 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 12, Township 36 South, Range 4 West, W. M., from Wards Creek with a date of priority of 1889. These lands are irrigated through the Bagley ditch, No. 3, the point of diversion of said ditch being located 135 feet north and 2170 feet east from the west quarter corner of Section 12, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 12, Township 36 South, Range 4 West, W. M.

The applicants herein, owners of the land above described, propose to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 975 feet north and 1120 feet east from the southwest corner of Section 12, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 12, Township 36 South, Range 4 West, W. M.

Notice by publication as provided by ORS 540.520 was given in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks, being the issues of July 26 and August 2 and 9, 1956. The time for hearing as set forth in the

notice, namely: September 20, 1955, 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 report to the effect that the proposed change in point of diversion of water from Wards Creek 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 from Wards Creek 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 Wards Creek, to-wit:

From a point located 135 feet north and 2170 feet east from the west quarter corner of Section 12, and being within the  $SE\frac{1}{4}NW\frac{1}{4}$ , said Section 12, Township 36 South, Range 4 West, W. M.,

To a point to be located 975 feet north and 1120 feet east from the southwest corner of Section 12, and being within the  $SW\frac{1}{4}SW\frac{1}{4}$ , said Section 12, Township 36 South, Range 4 West, W. M.,

for the irrigation of 4 acres in the  $NE\frac{1}{4}SW\frac{1}{4}$ , 3 acres in the  $SW\frac{1}{4}SW\frac{1}{4}$  and 18 acres in the  $SE\frac{1}{4}SW\frac{1}{4}$ , Section 12, Township 36 South, Range 4 West, W. M., with a date of priority of 1889, be and the same hereby 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, 1956, 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 that is available at the old point of diversion.

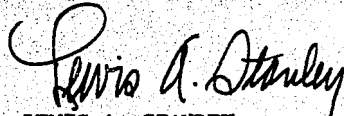
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

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, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 8th day of February, 1956

Noted on Decree  
Vol. 4, p. 19, col. 2  
Cert. 16171

  
LEWIS A. STANLEY  
State Engineer

this Order amended by  
Sp. Or. Vol. 9, p. 349