

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF LLOYD W. BURKS FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM THOMPSON CREEK.)

O R D E R
APPROVING APPLICATION

On October 29, 1958, Lloyd W. Burks of Route 1, Box 3, Applegate, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Thompson 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 of the various claimants to the waters of Rogue River and its tributaries, a water right was established in the name of Warren D. Mee for the irrigation of 8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 38 South, Range 4 West, W. M., from Thompson Creek through the John S. Miller ditch, with a date of priority of 1863. The point of diversion of the John S. Miller ditch is located 2695 feet south and 2980 feet west from the northeast corner of Section 28, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 28, Township 38 South, Range 4 West, W. M.

The applicant herein, owner of 6 acres of the land above described, proposes to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be located 598 feet south and 1415 feet west from the northeast corner of Section 28, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 28, Township 38 South, Range 4 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 December 30, 1958, beginning at 9:30 o'clock a.m. The notice was published in the Times, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of November 7, 14 and 21, 1958. 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. 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 Thompson Creek, to-wit:

From a point located 2695 feet south and 2980 feet west from the northeast corner of Section 28, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 28, Township 38 South, Range 4 West, W. M.,

To a point to be located 598 feet south and 1415 feet west from the northeast corner of Section 28, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 28, Township 38 South, Range 4 West, W. M.,

for the irrigation of 6 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 38 South, Range 4 West, W. M., with a date of priority of 1868, be and the same is approved.

It is FURTHER ORDERED that the proposed change in point of diversion of water shall be completed on or before October 1, 1959 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 that is available at the old point of diversion.

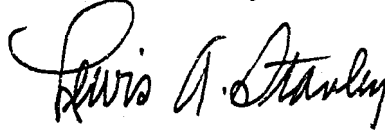
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices:

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 6th day of January 1959.

*Noted on Decree
Vol. 4, p 34, col. 1
Cert. #16468*



LEWIS A. STANLEY
State Engineer



LEWIS A. STANLEY
State Engineer