

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION OF
ROBERT E. AND SUSAN T. FISHER FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM APPELEGATE
RIVER

ORDER APPROVING
TRANSFER NO. 2817

On May 21, 1973, Robert E. and Susan T. Fisher 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 the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered September 20, 1972, 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 Wilbur W. Cameron for the use of the waters of Applegate River for the irrigation of, among other lands, 2.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 16.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 6.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.4 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 39 South, Range 3 West, W.M., with a date of priority of 1876. These lands were erroneously described by certificate of water right recorded at page 16225, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Comstock ditch from a point of diversion located 1000 feet North and 1190 feet East from the Southwest corner of Section 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 40 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 90 feet South and 2020 feet East from the West $\frac{1}{4}$ corner of Section 15, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 39 South, Range 3 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 October 16, 1973 at 9:30 a.m. The notice was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of August 23, 30 and September 6, 1973. 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 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 may be made 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 1000 feet North and 1190 feet East from the Southwest corner of Section 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 40 South, Range 3 West, W.M.

To a point to be located 90 feet South and 2020 feet East from the West $\frac{1}{4}$ corner of Section 15, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 39 South, Range 3 West, W.M.

for the irrigation of 2.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 16.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 6.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.4 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 39 South, Range 3 West, W.M., with a date of priority of 1876, 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, 1974.

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 0.69 cubic foot per second.

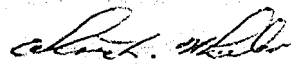
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in line flow meter, a 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 Wilbur W. Cameron and recorded at page 16225, 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 conforming with the Decree of the Circuit Court entered September 20, 1972, 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 Robert E. and Susan T. Fisher confirming the change in point of diversion.

Dated at Salem, Oregon, this 26th day of December, 1973.


CHRIS L. WHEELER
State Engineer