

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF ARTHUR W. PATTERSON FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM EVANS)
CREEK)

O R D E R

APPROVING APPLICATION

On July 5, 1963, Arthur W. Patterson of Rogue River, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The State Engineer's supplemental findings of fact and order of determination, 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, determined the extent to which the inchoate water rights were completed. In said findings, the State Engineer found that George A. Woodcock has a right to the use of the waters of Evans Creek for domestic and stock purposes and the irrigation of 16 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 36 South, Range 4 West, W. M., with a date of priority of 1902. The water is conveyed to this land through the Old Mill Ditch, the point of diversion of said ditch being located 470 feet South and 1920 feet East from the northwest corner of Section 4, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 4, Township 36 South, Range 4 West, W. M.

The applicant herein, owner of the land above described, proposes to convey the water for domestic, stock and irrigation purposes by means of a pumping plant, the point of diversion of said pumping plant to be located 730 feet South and 570 feet West from the northeast corner of Section 9, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 9, Township 36 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, at 9:30 a.m. on September 24, 1963. 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 August 2, 9 and 16, 1963. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Joseph L. Diddock, Assistant Watermaster of District No. 13, has filed a report to the effect that the proposed change in point of diversion 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 proposed change in point of diversion of water from Evans Creek, to-wit:

From a point located 470 feet South and 1920 feet East from the northwest corner of Section 4, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 4, Township 36 South, Range 4 West, W. M.

To a point to be located 730 feet South and 570 feet West from the northeast corner of Section 9, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 9, Township 36 South, Range 4 West, W. M.

for domestic, stock and irrigation of 16 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 36 South, Range 4 West, W. M., lying East of Evans Creek, with a date of priority of 1902, 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, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

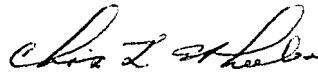
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

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 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 23rd day of October, 1963.



CHRIS L. WHEELER
State Engineer

*Noted on Supp. Findings
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