

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF OSCAR C. AND BERTHA J. BROTHERS)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
ROGUE RIVER)
- - - - -)

O R D E R

APPROVING APPLICATION

On February 5, 1962, Oscar C. and Bertha J. Brothers 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 Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to W. D. Hodgson and R. L. McBride and recorded at page 1867, Volume 3, State Record of Water Right Certificates, confirms a right under Permit No. 807 to the use of the waters of the Rogue River for the irrigation of, among other lands, 85 acres in D. L. C. No. 40, being within Section 21, Township 36 South, Range 4 West, W. M., with a date of priority of August 25, 1911. These lands are irrigated through the Hodgson and McBride ditch, the point of diversion of said ditch being located near the northeast corner of D. L. C. No. 40, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W.M.

The applicants herein, owners of 4.85 acres of the land above described, being a part of Lots 5 and 6 of Riverdale Tracts, within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W. M., propose to irrigate said lands by means of two pumping plants, the points of diversion of said pumping plants being located (1) 62 feet South and 103 feet West from the northwest corner of Tract 6, Riverdale Tracts, and (2) 35 feet North and 175 feet East from the northwest corner of Tract 6, Riverdale Tracts, both being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, 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 at Medford, Oregon, on April 17, 1962, at 9:30 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 February 23, March 2 and 9, 1962. 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 points 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 Rogue River, to-wit:

From a point near the northeast corner of D. I. C. No. 40, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W.M.

To a point to be located 62 feet South and 103 feet West and

To a point to be located 85 feet North and 175 feet East, both from the northwest corner of Tract 6, Riverdale Tracts, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W. M.

for the irrigation of 4.85 acres in Lots 5 and 6, Riverdale Tracts, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W. M., with a date of priority of August 25, 1911, be and the same is hereby 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, 1963, 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 18th day of April, 1962.

LEWIS A. STANLEY
State Engineer

Noted on records

*App. #1651
Cert. #1867*

By *Max V. Rogers*
Max V. Rogers, Deputy