

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF CARLETON E. SANDEEN AND BYRON)
M. CUMMINGS 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, Carleton E. Sandeen and Byron M. Cummings of Grants Pass, 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 15.26 acres of the land above described, being in Lot 5, Riverdale Tracts, to-wit: 7.86 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 7.4 in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 36 South, Range 4 West, W. M., propose to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located North 52 $\frac{1}{2}$ degrees East 305 feet from the northwest corner of Lot 5, Riverdale Tracts, and 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 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 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 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 Rogue River, to-wit:

From a point 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.

To a point to be located North 52 $\frac{1}{2}$ degrees East 305 feet from the northwest corner of Lot 5, 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 15.26 acres in Lot 5, Riverdale Tracts, being 7.86 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 7.4 acres in the SE $\frac{1}{4}$ 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 19th day of April, 1962.

Noted on records

App. # 1651

Cert. # 1867

LEWIS A. STANLEY
State Engineer

By

Max F. Rogers
Max F. Rogers, Deputy