

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF TRUMAN D. AND Z. IDELLE COLLINS)
FOR THE APPROVAL OF CHANGES IN)
POINTS OF DIVERSION OF WATER FROM)
ROGUE RIVER)

O R D E R
APPROVING APPLICATION

On February 8, 1962, Truman D. and Z. Idelle Collins of Shady Cove, Oregon, filed an application in the office of the State Engineer for the approval of changes in points of diversion of water from Rogue River.

Certificate of water right issued to J. B. Bristow and recorded at page 11050, Volume 10, State Record of Water Right Certificates, confirms a right under Permit No. 8776 for the use of the waters of Rogue River for the irrigation of, among other lands, 9 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 34 South, Range 1 West, W. M., with a date of priority of November 7, 1928. These lands are irrigated through the Bristow ditch, the point of diversion of said ditch being located 720 feet South and 2640 feet West from the E $\frac{1}{2}$ corner of Section 10, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 34 South, Range 1 West, W. M.

The applicants herein, owners of 2.2 acres of the lands above described, propose to irrigate these lands by means of two pumping plants, the points of diversions of said pumping plants to be located (1) 620 feet South and 326 feet West from the N $\frac{1}{2}$ corner of Section 15 and (2) 840 feet South and 360 feet West from the N $\frac{1}{2}$ corner of Section 15, both being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 34 South, Range 1 West, W. M.

Certificate of water right issued to George P. and Florence S. Waller and recorded at page 12271, Volume 11, State Record of Water Right Certificates, confirms a right under Permit No. 12635 to the use of the waters of the Rogue River for the irrigation of, among other lands, 8 acres in Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 15, Township 34 South, Range 1 West, W. M., with a date of

priority of May 7, 1937. These lands are irrigated through a ditch, the point of diversion of said ditch being located 340 feet North and 3240 feet West from the E½ corner of Section 15, and being within the SE½ NW¼, Section 15, Township 34 South, Range 1 West, W. M.

The applicants herein, owners of 0.75 acre of the land described in the paragraph immediately preceding, propose to irrigate this land by means of point of diversion No. (2) described on the preceding page as being located 840 feet South and 360 feet West from the N½ corner of Section 15, and being within the NE½ NW¼, said Section 15, Township 34 South, Range 1 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 points of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on April 18, 1962, at 9:30 o'clock 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 February 19, 26 and March 5, 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 may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in points 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 changes in points of diversion of water from Rogue River, to-wit:

From a point located 720 feet South and 2640 feet West from the E½ corner of Section 10, and being within the NW¼ SE¼, Section 10, Township 34 South, Range 1 West, W. M.

To a point to be located 620 feet South and 326 feet West from the N $\frac{1}{2}$ corner of Section 15, and

To a point to be located 840 feet South and 360 feet West from the N $\frac{1}{2}$ corner of Section 15, both being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 34 South, Range 1 West, W.M.

for the irrigation of 2.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 34 South, Range 1 West, W.M., with a date of priority of November 7, 1928, be and the same is hereby approved.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Rogue River, to-wit:

From a point located 340 feet North and 3240 feet West from the E $\frac{1}{2}$ corner of Section 15, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 34 South, Range 1 West, W.M.

To a point to be located 840 feet South and 360 feet West from the N $\frac{1}{2}$ corner of Section 15, both being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 34 South, Range 1 West, W.M.

for the irrigation of 0.75 acre in Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 15, Township 34 South, Range 1 West, W.M., with a date of priority of May 7, 1937, be and the same hereby is approved.

It is FURTHER ORDERED that the changes in points of diversion of water shall be completed 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 that is diverted at the new points of diversion shall not exceed the quantity of water that is available at the old points 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 20th day of April, 1962.

LEWIS A. STANLEY
State Engineer

Max F. Rogers
Max F. Rogers, Deputy

*Noted in records
App. # 12437 & 16877
Covt. # 11050 & 12271*

Trsf. "C-139"