

## Jackson County

IN THE MATTER OF THE APPLICATION )  
 OF FRED W. AND RUTH A. GREENE FOR )  
 THE APPROVAL OF A CHANGE IN POINT )  
 OF DIVERSION OF WATER FROM ROGUE )  
 RIVER )  
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ORDER APPROVING  
TRANSFER NO. G-78

On July 9, 1968, Fred W. and Ruth A. Greene 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 Scott Davis and recorded at page 9878, Volume 9, State Record of Water Right Certificates, confirms a right to the use of 0.02 cubic foot per second of the waters of Rogue River with a date of priority of April 9, 1931 for the irrigation of 1.0 acre in Lot 1 (NW¼ NW¼) Section 32, Township 35 South, Range 1 West, W.M., erroneously described as being within the NE¼ NW¼ (Lot 1). The point of diversion is described in the certificate as being within the NE¼ SE¼ of Section 20, Township 35 South, Range 1 West, W.M., when, in fact, it is located 1310 feet north and 20 feet west from the SW corner of Section 20 being within SE¼ SW¼ of Section 20, Township 35 South, Range 1 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 1060 feet south and 1020 feet east from the NW corner of Section 32 being within Lot 1 (NW¼ NW¼), Section 32, Township 35 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 point of diversion of water, if any there were, namely: at the county courthouse at Medford, Oregon, on February 12, 1969, 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 December 16, 23 and 30, 1968. 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 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 Rogue River, to-wit:

From a point located 1310 feet north and 20 feet west from the S $\frac{1}{4}$  corner of Section 20 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 35 South, Range 1 West, W.M.

To a point to be located 1060 feet south and 1020 feet east from the NW corner of Section 32 being within Lot 1 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 32, Township 35 South, Range 1 West, W.M.

for the irrigation of 1.0 acre in Lot 1 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 32, Township 35 South, Range 1 West, W.M., with a date of priority of April 9, 1931, 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, 1969.

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 0.02 cubic foot per second.

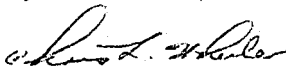
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Scott Davis and recorded at page 9878, Volume 9, State Record of Water Right Certificates, is canceled 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 Fred W. and Ruth A. Greene confirming the change in point of diversion.

Dated at Salem, Oregon, this 17<sup>th</sup> day of February, 1969.

  
CHRIS L. WHEELER  
State Engineer