

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF GARY L. BOSHEERS FOR CITY OF)
ASHLAND FOR THE APPROVAL OF A)
CHANGE IN USE AND POINT OF)
DIVERSION OF WATER FROM ASHLAND)
CREEK)

ORDER APPROVING
TRANSFER NO. A-46

On July 16, 1968, Gary L. Bosheers filed an application in the office of the State Engineer for the City of Ashland for the approval of a change in use and point of diversion of water from Ashland Creek, pursuant to the provisions of ORS 540.510 to 540.530.

In the Rogue River Adjudication proceedings a water right was established in the name of M. L. Johnson for the use of the waters of Ashland Creek for the irrigation of 1.0 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 39 South, Range 1 East, W.M., with a date of priority of 1885. Water for this use is diverted from a point located 1050 feet south and 350 feet west from the NE corner of Section 17, Township 39 South, Range 1 East, W.M., being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 39 South, Range 1 East, W.M., as evidenced by certificate of water right recorded at page 16019, Volume 13, State Record of Water Right Certificates.

The applicant herein, owner of the land above described, proposes to change the use from irrigation to municipal for the City of Ashland and divert this water from a point to be located 100 feet north and 10 feet west from the SE corner of Section 20 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 39 South, Range 1 East, 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 use and point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on February 6, 1969, at 9:30 a.m. The notice was published in the Ashland Daily Tidings, a

newspaper printed and having general circulation in Jackson County, for a period of three weeks in the issues of December 13, 20, and 27, 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 use and 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 use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in use of water and point of diversion is approved and the water right hereinbefore described as being for the irrigation of 1.0 acre in $NW\frac{1}{4}$ $NW\frac{1}{4}$, Section 16, Township 39 South, Range 1 East, W.M., with a date of priority of 1885, be transferred to municipal use for the City of Ashland, without loss of priority.

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

From a point located 1050 feet south and 350 feet west from the NE corner of Section 17, Township 39 South, Range 1 East, W.M. being within the $NE\frac{1}{4}$ $NE\frac{1}{4}$ of Section 17, Township 39 South, Range 1 East, W.M.

To a point to be located 100 feet north and 10 feet west from the SE corner of Section 20 being within the $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Section 20, Township 39 South, Range 1 East, W.M.

with a date of priority of 1885, for municipal use, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion 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 that is

available at the old point of diversion and shall be limited to 0.03 cubic foot per second.

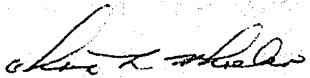
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 M. L. Johnson and recorded at page 16019, Volume 13, State Record of Water Right Certificates is canceled, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to City of Ashland confirming the extent to which the water has been applied beneficially and confirming the change in point of diversion.

Dated at Salem, Oregon, this 17th day of February, 1969.



CHRIS L. WHEELER
State Engineer