

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF GEORGE E. BRETZ FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM APPELEGATE RIVER )  
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ORDER APPROVING  
TRANSFER NO. 2449

On September 24, 1970, George E. Bretz filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of Louise C. Selleck for the use of the waters of Applegate River for the irrigation of, among other lands, 6.2 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 19, Township 37 South, Range 5 West, W.M., with a date of priority of 1903, as evidenced by certificate of water right recorded at page 16253, Volume 13, State Record of Water Right Certificates. These lands are irrigated from a point of diversion located 850 feet South and 1090 feet East from the North  $\frac{1}{4}$  corner of Section 19, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 19, Township 37 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 660 feet South and 415 feet East from the North  $\frac{1}{4}$  corner of Section 19, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 19, Township 37 South, Range 5 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 in Grants Pass, Oregon on August 6, 1974 at 9:30 a.m. The notice was published in the Grants Pass Daily Courier, a newspaper printed

and having general circulation in Josephine County, Oregon for a period of three weeks in the issues of June 13, 20 and 27, 1974. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. Steimer, Watermaster of District No. 14, 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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Applegate River, to wit:

From a point located 850 feet South and 1090 feet East from the North  $\frac{1}{4}$  corner of Section 19, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, Township 37 South, Range 5 West, W.M.

To a point to be located 660 feet South and 415 feet East from the North  $\frac{1}{4}$  corner of Section 19, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, Township 37 South, Range 5 West, W.M.

for the irrigation of 6.2 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 19, Township 37 South, Range 5 West, W.M., with a date of priority of 1903, 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, 1975.

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 0.16 cubic foot per second.

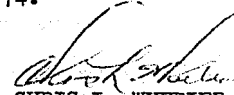
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

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 Louise C. Selleck and recorded at page 16253, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding 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 George E. Bretz confirming the change in point of diversion.

Dated at Salem, Oregon, this 13th day of August, 1974.

  
CHRIS L. WHEELER  
State Engineer