

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF GEORGE H. JESS AND MAY E. JESS)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
ROGUE RIVER.)
-----)

O R D E R

APPROVING APPLICATION

On August 26, 1953 George H. Jess and May E. Jess of Route 1, Box 132, Eagle Point, Oregon filed an application for the approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of Section 116-606, O. C. L. A.

In the State Engineer's supplemental findings of fact and order of determination entered in the Rogue River adjudication proceedings, a water right was adjudicated in the name of Ruth L. Natwick for the irrigation of 9.8 acres in Lot 1, 24.3 acres in Lot 2, 7.4 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 23.4 acres in Lot 3, Section 20, Township 35 South, Range 1 West, W.M., with a date of priority of 1898 through the Nichols & Co. ditch. The point of diversion of the Nichols & Co. ditch is located 550 feet north and 525 feet east from the west quarter corner of Section 16, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 16, Township 35 South, Range 1 West, W. M.

George H. Jess and May E. Jess, owners of the lands above described, propose to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 1927 feet south and 2315.5 feet west from the northeast corner of Section 20, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 20, Township 35 South, Range 1 West, W. M.

Notice by publication as provided by Section 116-606, O.C.L.A., was given in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks, being the issues of September 2, 9 and 16, 1953. The time for hearing as fixed

in the notice, namely: October 28, 1953, was not less than thirty days after the last publication of the notice.

Mr. David G. Hendrix, Watermaster of District No. 15, has filed a report to the effect that the proposed change in point of diversion of water from Rogue River 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 from Rogue River 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 550 feet north and 525 feet east from the west quarter corner of Section 16, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 16, Township 35 South, Range 1 West, W. M.,

To a point to be located 1927 feet south and 2315.5 feet west from the northeast corner of Section 20, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 20, Township 35 South, Range 1 West, W. M.,

for the irrigation of 9.8 acres in Lot 1, 24.3 acres in Lot 2, 7.4 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 23.4 acres in Lot 3, Section 20, Township 35 South, Range 1 West, W. M., with a date of priority of 1898, be and the same hereby is approved.

It is FURTHER ORDERED that the change in point of diversion shall be completed on or before October 1, 1954 or within such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

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, less stream losses and less inflow, if any, between the present and proposed 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 be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

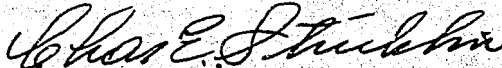
That the location of the pumping plant and channel to convey the water to the pump and the plans of the headgate and weir or measuring device be approved before the beginning of construction work by the watermaster of Jackson County, Oregon and that the headgate, weir or measuring device be constructed under the general supervision of said watermaster.

Dated at Salem, Oregon this 7th day of December 1953

Noted on Suppl. Findings

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CHAS. E. STRICKLIN
State Engineer