

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF EDWARD V. CHANCE FOR THE AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM ROGUE )  
RIVER. )  
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O R D E R

APPROVING APPLICATION

On August 16, 1950, Edward V. Chance of Route 4, Box 155, Grants Pass, 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.

Certificate of water right recorded at page 1867, Volume 3, State Record of Water Right Certificates, was issued to W. D. Hodgson and R. L. McBride, confirming a right under permit No. 807 to the use of the water of Rogue River for the irrigation of, among other lands, 85 acres in that part of Donation Land Claim No. 40 lying south of Rogue River in Section 21, Township 36 South, Range 4 West, W. M., with a date of priority of August 25, 1911.

Edward V. Chance, the applicant herein, is the owner of 2 acres of the above described land, said 2 acres being described as follows:

Commencing at a point which bears North 89°40' East 475 feet distant from the southwest corner of Lot One (1) of Riverdale Tracts in Sections 20 and 21, Township 36 South, Range 4 West of the Willamette Meridian, Jackson County, Oregon, thence North 89°40' East 214 feet along the south line of said Lot One (1); thence North 38°30' West 602.4 feet to an intersection with the north line of said Lot One (1); thence South 34°04' West 177.2 feet along the north line of said Lot One (1); thence South 38°30' East 415.7 feet to the point of beginning, being 1.5 acres in SW¼ NW¼ and 0.5 acre in the Lot One (1), Riverdale Tract, in Section 21, Township 36 South, Range 4 West, W. M.

The point of diversion for the irrigation of the 2 acres being irrigated by the applicant is located in the northeast corner of Donation Land Claim No. 40 in Section 21, Township 36 South, Range 4 West, W. M. It is proposed to move the location of the pumping plant to a new point of diversion to be located 248.4 feet north and 310 feet east from the west quarter corner of Section 21, and being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 21, Township 36 South, Range 4 West, W. M.

Notice of the filing of the application was given by publication setting forth a time and place certain for the hearing of objections to the approval of the proposed change in point of diversion of water, if any there were, namely: at the County Court House in Medford, Oregon, on October 19, 1950 at 10:00 o'clock a. m. Notice was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, for a period of at least three weeks and not less than one publication each week, to-wit: August 24 and 31 and September 7, 1950. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clinton A. Smith, Watermaster of District No. 15, Medford, Oregon, has submitted a report 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 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 in the northeast corner of Donation Land Claim No. 40 in Section 21, Township 36 South, Range 4 West, W. M.,

To a point to be located 248.4 feet north and 310 feet east from the west quarter corner of Section 21, and being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 21, Township 36 South, Range 4 West, W. M.,

for the irrigation of 1.5 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 0.5 acres in Lot 1, Riverdale Tracts in Section 21, Township 36 South, Range 4 West, W. M., with a date of priority of August 25, 1911, said 2 acres being within the following described tract, to-wit:

Commencing at a point which bears North 89°40' East 475 feet distant from the southwest corner of Lot One (1) of Riverdale Tracts in Sections 20 and 21, Township 36 South, Range 4 West, of the Willamette Meridian, Jackson County, Oregon, thence North 89°40' East 214 feet along the south line of said Lot One (1); thence North 38°30' West 602.4 feet to an intersection with the North line of said Lot One (1); thence South 34°04' West 177.2 feet along the North line of said Lot One (1); thence South 38°30' East 415.7 feet to the point of beginning,

be and the same hereby is approved.

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 sump and the plans for the headgate and weir or measuring device be approved by the watermaster of Jackson County, Oregon, before the beginning of construction work, and that the headgate, weir, or measuring device be constructed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work required to be done in connection with the change in point of diversion of water herein approved shall be completed on or before October 1, 1951.

Dated at Salem, Oregon, this 31st day of October, 1950.

*Noted on Cert 1867*

  
CHAS. E. STRICKLIN  
State Engineer