

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF LEROY M. SINSABAUCH FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM EVANS)
CREEK)

ORDER APPROVING
TRANSFER NO. S-167

On October 14, 1964, LeRoy M. Sinsabaugh of Rogue River, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John, Mark and L. A. Neathamer and recorded at page 7487, Volume 7, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.31 cubic foot per second of water from Evans Creek for irrigation of 17.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 8.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923.

Certificate of water right issued to D. F. Neathamer and recorded at page 3243, Volume 4, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 0.30 cubic foot per second of water from Evans Creek for the irrigation of 1.0 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, 9.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 6.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of November 8, 1918. Subsequently, by Order of the State Engineer, entered August 14, 1956, the right for the use of 0.29 cubic foot per second for the irrigation of 22.0 acres under this right was transferred from 9.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 6.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, to 17.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 5.

All of the above lands are irrigated through the Carter Ditch, the point of diversion being located 1200 feet north and 1450 feet east from the

southwest corner of Section 34, and being within the SE $\frac{1}{2}$ SW $\frac{1}{2}$, said Section 34, Township 34 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, with the exception of 1.0 acre in the NW $\frac{1}{2}$ NW $\frac{1}{2}$, Section 4, proposes to irrigate these lands by means of a pumping plant, the point of diversion to be located 1625 feet south and 1805 feet west from the northeast corner of Section 5, and being within the SW $\frac{1}{2}$ NE $\frac{1}{2}$, said Section 5, Township 35 South, Range 3 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 from Evans Creek, if any there were, namely: at the County Courthouse in Medford, Oregon, on April 8, 1965, 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 February 8, 15 and 22, 1965. 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 Evans Creek, to-wit:

From a point located 1200 feet north and 1450 feet east from the southwest corner of Section 34, and being within the SE $\frac{1}{2}$ SW $\frac{1}{2}$, said Section 34, Township 34 South, Range 3 West, W.M.

To a point to be located 1625 feet south and 1805 feet west from the northeast corner of Section 5, and being within the SW $\frac{1}{2}$ NE $\frac{1}{2}$, said Section 5, Township 35 South, Range 3 West, W.M.

for the irrigation of 17.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 8.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923, and 17.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 5, with a date of priority of November 8, 1918, 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, 1966.

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 not exceed 0.60 cubic foot per second of water.

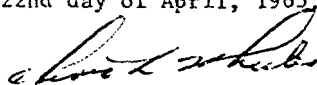
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 John, Mark and L. A. Neathamer and recorded at page 7487, Volume 7, 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 LeRoy M. Sinsabaugh confirming said change in point of diversion and the change in place of use of water authorized by Order of the State Engineer, entered August 14, 1956.

Dated at Salem, Oregon, this 22nd day of April, 1965,


CHRIS L. WHEELER
State Engineer