

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF MARTIN J. AND CAROLYN ZOWADA)
ROBBINS FOR APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3764

On August 26, 1977, an application was filed in the office of the Water Resources Director by Martin J. and Carolyn Zowada Robbins for approval of a change in point of diversion from East Fork Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16153, Volume 13, State Record of Water Right Certificates, in the name of W. H. Pattillo, describes a right which includes the use of not to exceed 0.08 cubic foot per second of water from East Fork Evans Creek, with a date of priority of 1892 (and supplemental supply from Spignet Creek, with a date of priority of 1871) for irrigation of a certain 4.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 34 South, Range 3 West, W.M.

Water from the East Fork of Evans Creek for the said right is diverted, through the Upper Bybee Ditch, from a point located 2000 feet South and 4400 feet East from the Northwest corner of Section 19, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 34 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 850 feet North and 130 feet West from the East quarter corner of Section 24, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 34 South, Range 3 West, W.M.

Notice of the application, pursuant to ORS 540.510, 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 September 6, 13 and 20, 1977.

Mr. David C. Hendrix, Watermaster, has filed a statement 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 requested change in point of diversion from East Fork Evans Creek, as described herein, without loss of priority, is approved.

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 under the subject right and shall not exceed 0.08 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:

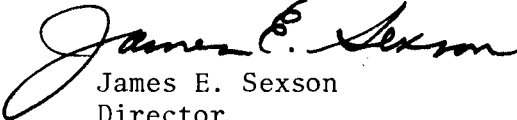
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the wier or measuring device be installed under the general supervision of said watermaster.

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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to W. H. Pattillo and recorded at page 16153, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 3rd day of November, 1977.


James E. Sexson
Director