

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JACKSON COUNTY

IN THE MATTER OF THE APPLICATIONS OF)	
JAMES MILLER, JR., JOSEPH F. & SALLY R.)	ORDER APPROVING
LECZEL, RAYMOND RICHARD & SANDRA J.)	TRANSFERS 5139, 5140,
TUTTLE & RONALD A. & DIANE M. JOHNSON)	5141 and 5142
FOR APPROVAL OF CHANGES IN PLACE OF)	
USE & POINT OF DIVERSION OF WATER)	

On October 25, 1982, applications were filed in the office of the Water Resources Director by James Miller, Jr. (T-5139), Joseph F. and Sally R. Leczel (T-5140), Raymond Richard and Sandra J. Tuttle (T-5141) and Ronald A. and Diane M. Johnson (T-5142) for approval of changes in place of use and point of diversion of water from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Supplemental Decree of the Circuit Court for Jackson County, Oregon, entered May 19, 1964, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, water rights were established in the names of Paul S. Seeley, Bud Oden and William F. Owings, tabulated in Volume 13, pages 381, 382 and 383, Order Record of the Water Resources Director, for use of the waters of Evans Creek for irrigation of, among other lands, a certain 3.2 acres in NE 1/4 SW 1/4, Section 15, 0.8 acre in SW 1/4 NW 1/4, 1.7 acres in SE 1/4 NW 1/4, 6.5 acres in NW 1/4 SW 1/4 and 3.5 acres in SW 1/4 SW 1/4, Section 22, Township 35 South, Range 4 West, WM, with a date of priority of 1902, as evidenced by the certificates recorded at pages 32780 and 32784, Volume 24 and page 46876, Volume 39, State Record of Water Right Certificates.

Water for the said rights is diverted, through the Vroman Ditch, from a point located 1200 feet North and 100 feet West from the East Quarter Corner of Section 11, being within the SE 1/4 NE 1/4 of Section 11, Township 35 South, Range 4 West, WM.

The applicants herein, owners of the lands above described, propose to sever the rights therefrom and, without loss of priority, to change said rights to primary irrigation of a certain 2.0 acres in SE 1/4 SE 1/4, Section 23; 3.0 acres in NE 1/4 SW 1/4, Section 24 and 2.0 acres in NE 1/4 NE 1/4, Section 26 and supplemental irrigation of a certain 7.0 acres in NE 1/4 SW 1/4 and 1.7 acres in SE 1/4 SW 1/4, Section 24, all Township 34 South, Range 3 West, WM, from a point located 100 feet North and 60 feet East from the Southwest Corner of Section 24, being within the SW 1/4 SW 1/4 of Section 24, Township 34 South, Range 3 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Ashland Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of November 9, 16 and 23, 1982.

David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

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 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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1984.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1984.

It is FURTHER ORDERED that the certificates recorded at pages 32780 and 32784, Volume 24 and page 46876, Volume 39, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights 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, confirming certificates of water right shall be issued to Robert M. Storey.

Dated at Salem, Oregon this 6th day of January, 1983.


JAMES E. SEXSON
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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