

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
JAMES H. & LOTTIE L. MARTIN FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM EVANS CREEK)

ORDER APPROVING
TRANSFER NO. 4384

On January 31, 1980, an application was filed in the office of the Water Resources Director by James H. and Lottie L. Martin for approval of a change in point of diversion from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is described by the certificate recorded at page 32785, Volume 24, State Record of Water Right Certificates, in the name of Zeb Pilcher, and is for the use of not to exceed 0.90 cubic foot per second from Evans Creek, under a priority date of 1902, for domestic, stock and for irrigation of a certain 4.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 15.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 3.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 35 South, Range 4 West, W.M.

The authorized point of diversion is located 1200 feet North and 100 feet West from the East Quarter Corner of Section 11, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 35 South, Range 4 West, W.M. (Vroman Ditch).

The applicants propose to change the point of diversion therefrom, without loss of priority, to a point located 1890 feet South and 470 feet West from the North Quarter Corner of Section 15, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 35 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of February 7, 14 and 21, 1980.

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, 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.

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:

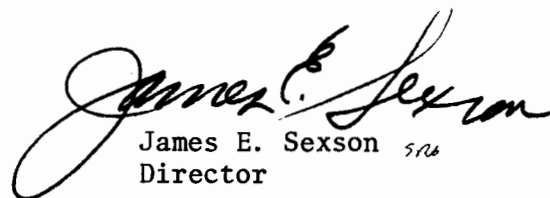
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1981.

It is FURTHER ORDERED that the certificate recorded at page 32785, Volume 24, State Record of Water Right Certificates, is canceled; 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 applicants herein.

Dated at Salem, Oregon this 10th day of April, 1980.


James E. Sexson 5/16
Director