

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF EUGENE L. MARS FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM EVANS CREEK )  
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ORDER APPROVING  
TRANSFER NO. M-172

On December 23, 1966, Eugene L. Mars 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.

By Decree of the Circuit Court of Jackson County, Oregon, entered January 10, 1940, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of Paul S. Seeley for the use of the waters of Evans Creek for stock use and the irrigation of, among other lands, 13.8 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21, and 10.7 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22, these lands being a part of Lot 1, Pleasant Valley Tracts, Township 35 South, Range 4 West, W.M., with a date of priority of 1902. This right was confirmed by certificate recorded at page 32776, Volume 24, State Record of Water Right Certificates. These lands are irrigated through the Vroman Ditch, the point of diversion being located 1200 feet north and 100 feet west from the NE $\frac{1}{4}$  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.

The applicant herein, owner of the lands above described, proposes to irrigate said lands from a point of diversion to be located 400 feet north and 870 feet west from the SE corner of Section 21, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 21, Township 35 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 hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county

courthouse in Medford, Oregon, on March 29, 1967, 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 3, 10, and 17, 1967. 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 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 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 100 feet west from the ~~SW~~ corner of Section 11, being within the ~~SE~~ NE~~1~~ of Section 11, Township 35 South, Range 4 West, W.M.

To a point to be located 400 feet north and 870 feet west from the SE corner of Section 21, being within the ~~SE~~ SE~~1~~ of Section 21, Township 35 South, Range 4 West, W.M.

for stock use and the irrigation of 13.8 acres in ~~SE~~ SE~~1~~, Section 21, and 10.7 acres in ~~SW~~ SW~~1~~, Section 22, being a part of Lot 1, Pleasant Valley Tracts, Township 35 South, Range 4 West, W.M., with a date of priority of 1902, 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, 1968.

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 0.41 cubic foot per second of water.

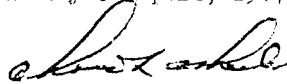
It is FURTHER ORDERED that the following provision shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include 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 Paul S. Seeley and recorded at page 32776, Volume 24, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, 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 Eugene L. Mars confirming said change in point of diversion of water.

Dated at Salem, Oregon, this 17th day of April, 1967.



CHRIS L. WEESLER  
State Engineer