

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF ELWYN L. AND BETTY M. ROWE FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM EVANS)
CREEK)

ORDER APPROVING
TRANSFER NO. 2527

On May 21, 1971, Elwyn L. and Betty M. Rowe 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 J. W. Neathamer and recorded at page 7484, Volume 7, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.14 cubic foot per second of water from Evans Creek for the irrigation of, among other lands, 7.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 34 South, Range 3 West, W.M., with a date of priority of December 1, 1923. These lands are irrigated by means of the Carter Ditch from a point of diversion located 530 feet north and 790 feet west from the SW corner of Section 34 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 34 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 20 feet south and 860 feet west from the SW corner of Section 33 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, 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, if any there were, namely: at the county courthouse in Medford, Oregon, on

August 10, 1971, at 9:30 a.m. The notice was published in the Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of June 16, 23, and 30, 1971. 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 530 feet north and 790 feet west from the SW¹/₄ corner of Section 34 being within the SE¹/₄ SW¹/₄ of Section 34, Township 34 South, Range 3 West, W.M.

To a point to be located 20 feet south and 860 feet west from the SW¹/₄ corner of Section 33 being within the NE¹/₄ NW¹/₄ of Section 4, Township 35 South, Range 3 West, W.M.

for the irrigation of 7.0 acres in SE¹/₄ SW¹/₄, Section 33, Township 34 South, Range 3 West, W.M., with a date of priority of December 1, 1923, 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, 1972.

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 and shall not exceed 0.09 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall

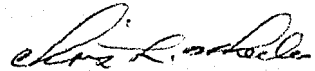
be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificate of water right heretofore issued to J. W. Neathamer and recorded at page 7484, Volume 7, 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 Elwyn L. and Betty M. Rowe.

Dated at Salem, Oregon, this 10th day of August, 1971.



CHRIS L. WHEELER
State Engineer