

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF ROBERT C. AND PENNY J. GILKEY )  
FOR APPROVAL OF CHANGES IN PLACE )  
OF USE AND POINT OF DIVERSION OF )  
WATER )

ORDER APPROVING  
TRANSFER 4799

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On June 29, 1981, an application was filed in the office of the Water Resources Director by Robert C. and Penny J. Gilkey for approval of changes in place of use and point of diversion of water from East Fork Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, 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 W. H. Pattillo, tabulated in Volume 4, page 18, Order Record of the Water Resources Director, for use of the waters of East Fork Evans Creek for irrigation of, among other lands, a certain 2.4 acres in NW 1/4 NW 1/4, Section 25, Township 34 South, Range 3 West, WM, with a date of priority of 1892, as evidenced by the certificate recorded at page 45400, Volume 37, State Record of Water Right Certificates.

Water for the said right is diverted, through the Lower Bybee Ditch, from a point located 430 feet North and 1,380 feet East from the Center of Section 24, being within the SE 1/4 NE 1/4 of Section 24, Township 34 South, Range 3 West, WM.

The applicants herein, owners of the lands above described, propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 2.4 acres in SE 1/4 SW 1/4, Section 9, Township 34 South, Range 2 West, WM, from a point of diversion located 170 feet North and 1,850 feet East from the Southwest Corner of Section 9, being within the SE 1/4 SW 1/4, Section 9, Township 34 South, Range 2 West, WM.

Notice of the application, pursuant to ORS 540.520(2), 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 July 7, 14 and 21, 1981.

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 shall not exceed the quantity of water available at the old point of diversion under the subject right and shall not exceed 0.04 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;

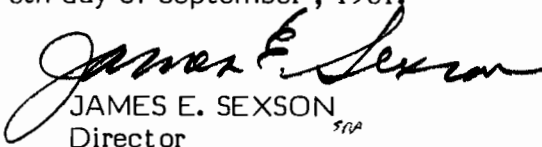
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1983.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 45400, Volume 37, 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 applicants herein.

Dated at Salem, Oregon this 8th day of September, 1981.

  
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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