

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
JOHN B. MARVAL, JR., FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5126

On October 4, 1982, an application was filed in the office of the Water Resources Director by John B. Marval, Jr., 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, a water right was established in the name of Paul S. Seeley, tabulated in Volume 13, page 381, Order Record of the Water Resources Director, for use of the waters of Evans Creek for irrigation of, among other lands, a certain 4.6 acres in Lot 13 (SE 1/4 SW 1/4), Section 15 and 4.6 acres in Lot 14 (NE 1/4 NW 1/4), Section 22, Township 35 South, Range 4 West, WM, with a date of priority of 1902, as evidenced by the certificate recorded at page 46876, Volume 39, State Record of Water Right Certificates.

Water for the said right is diverted, through the Vroman Ditch, from a point located 1,200 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 applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 9.2 acres in SW 1/4 SE 1/4, Section 10, Township 35 South, Range 4 West, WM, from a point located 170 feet North and 1,100 feet East from the South Quarter Corner of Section 10, being within the SW 1/4 SE 1/4 of Section 10, Township 35 South, Range 4 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 October 11, 18 and 25, 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, and shall not exceed 0.15 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, 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 certificate recorded at page 46876, Volume 39, 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 James W. Barrett.

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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