

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
LANE COUNTY

IN THE MATTER OF THE APPLICATION OF)
JAMES D. EVONUK FOR APPROVAL OF AN) ORDER APPROVING
ADDITIONAL POINT OF DIVERSION OF) TRANSFER 5899
WATER)

On January 26, 1987, an application was filed in the office of the Water Resources Director by James D. Evonuk for approval of an additional point of diversion of water from Coast Fork Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 35873, Volume 27, State Record of Water Right Certificates, in the name of Norman R. Evonuk, describes a right which includes the use of not to exceed 0.47 cubic foot per second from Coast Fork Willamette River, for irrigation of 3.4 acres in NW 1/4 SE 1/4 and supplemental irrigation 3.6 acres in NE 1/4 SE 1/4, 4.3 acres in NW 1/4 SE 1/4, 14.5 acres in SW 1/4 SE 1/4, and 11.6 acres in SE 1/4 SE 1/4, Section 12, Township 18 South, Range 3 West, W.M. with a date of priority of December 1, 1961.

The assigning of supplemental status to part of the right was erroneous. The entire right was primary at the time the certificate was issued.

Water for the said right is diverted from a point located 2450 feet North and 270 feet West from the South Quarter Corner of Section 12, being within the NE 1/4 SW 1/4 of Section 12, Township 18 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to add a second point of diversion to be located 1950 feet North and 1890 feet East from the South Quarter Corner of Section 12, being within the NE 1/4 SE 1/4 of Section 12, Township 18 South, Range 3 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Eugene Register Guard, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of February 6, 13, and 20, 1987.

L. Gene McGinnis, 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 proposed change in point of diversion is approved, without loss of priority.

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 0.47 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:

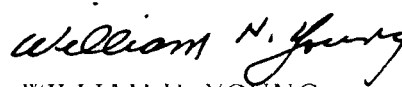
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 right to divert water from the point described in Certificate 35873 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 35873, Volume 27, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued for primary irrigation for 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 for primary irrigation shall be issued to the applicant herein.

Dated at Salem, Oregon, this 8th day of May, 1987.


WILLIAM H. YOUNG
Director

NOTE: 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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