

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
LARRY E. PEEBLES FOR APPROVAL OF A) ORDER APPROVING
CHANGE IN POINT OF DIVERSION) TRANSFER 5925
OF WATER)

On March 20, 1987, an application was filed in the office of the Water Resources Director by Larry E. Peebles for 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 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 Carl L. Magerle, tabulated in Volume 13, page 386, Order Record of the Water Resources Director, for use of not to exceed 0.065 cubic foot per second from Evans Creek for irrigation of, among other lands, a certain 3.0 acres in NE 1/4 NE 1/4 and 0.9 acre in NW 1/4 NE 1/4, Section 9, Township 36 South, Range 4 West, WM, with a date of priority of 1902, as evidenced by the certificate recorded at page 32797, Volume 24, State Record of Water Right Certificates.

Water for the said right is diverted, through the Old Mill Ditch, from a point located 470 feet South and 1920 feet East from the Northwest Corner of Section 4, being within the NE 1/4 NW 1/4 of Section 4, Township 36 South, Range 4 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 500 feet South and 750 feet West from the Northeast Corner of Section 9, being within the NE 1/4 NE 1/4 of Section 9, Township 36 South, Range 4 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Mail Tribune, 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 March 30, April 6 and 13, 1987.

Bruce R. Sund, 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.

The approval of this transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 0.065 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 32797 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 32797, Volume 24, 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 applicant herein.

Dated at Salem, Oregon, this 27th day of May, 1987.

William H. Young
WILLIAM H. YOUNG
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

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