

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF GERALDINE S. BRYANT FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM EAST FORK)
EVANS CREEK)

ORDER APPROVING
TRANSFER NO. 2373

On May 8, 1970, Geraldine S. Bryant filed an application in the office of the State Engineer for the approval of a change in 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 January 10, 1940, 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 J. M. Stevens for the use of the waters of East Fork Evans Creek for the irrigation of, among other lands, 8.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 34 South, Range 2 West, W.M., with a date of priority of 1888, as evidenced by certificate recorded at page 16155, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Mayfield Ditch from a point of diversion located 300 feet south and 1200 feet west from the N $\frac{1}{4}$ corner of Section 16 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 34 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 700 feet south and 700 feet west from the E $\frac{1}{4}$ corner of Section 20 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 34 South, Range 2 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 July 23, 1970, 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 May 29, June 5, and 12, 1970. 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 of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from East Fork Evans Creek, to-wit:

From a point located 300 feet south and 1200 feet west from the NW $\frac{1}{4}$ corner of Section 16 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 34 South, Range 2 West, W.M.

To a point to be located 700 feet south and 700 feet west from the E $\frac{1}{4}$ corner of Section 20 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 34 South, Range 2 West, W.M.

for the irrigation of 8.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 34 South, Range 2 West, W.M., with a date of priority of 1888, 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, 1971.

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 0.133 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be

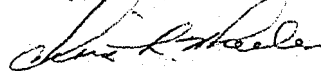
effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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. M. Stevens and recorded at page 16155, Volume 13, 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 Geraldine S. Bryant confirming said change in point of diversion.

Dated at Salem, Oregon, this 20th day of November, 1970.



CHRIS L. WHEELER
State Engineer