

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF KENNETH C. & DORA M. BAINES)
FOR APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM EVANS CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 4037

On September 7, 1978, an application was filed in the office of the Water Resources Director by Kenneth C. and Dora M. Baines for approval of a change in place of use of water from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 42921, Volume 34, State Record of Water Right Certificates, in the name of George Beers, describes a right which includes the use of not to exceed 0.025 cubic foot per second from Evans Creek for irrigation of a certain 1.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 35 South, Range 4 West, W.M., with a date of priority of 1896.

Water for the said right is diverted, through the Williams & Whalen Ditch, from a point located 475 feet North and 860 feet West from the Southeast Corner of Section 6, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 35 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 1.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 35 South, Range 4 West, W.M.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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

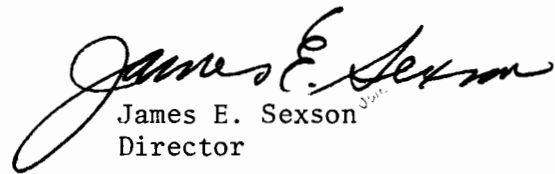
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to George Beers and recorded at page 42921, Volume 34, State Record of Water Right Certificates, be canceled; and in lieu thereof a new confirming certificate of water right be issued to the applicants herein.

Dated at Salem, Oregon this 15th day of September, 1978.


James E. Sexson
Director