

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF LARRY F. TUTTLE FOR APPROVAL OF)
A CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 5248

On April 21, 1983, an application was filed in the office of the Water Resources Director by Larry F. Tuttle 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.

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 Bud Oden, tabulated in Volume 13, page 382, Order Record of the Water Resources Director, for use of the waters of Evans Creek for irrigation of, among other lands, a certain 2.4 acres in NE 1/4 SW 1/4, Section 15, Township 35 South, Range 4 West, WM, with a date of priority of 1902, as evidenced by the certificate recorded at page 32780, Volume 24, State Record of Water Right Certificates.

Water for the said right is diverted, through the Vroman Ditch, from a point located 1200 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 proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof 2.4 acres in NW 1/4 SE 1/4, Section 11, Township 35 South, Range 4 West, WM.

Bruce R. Sund, 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 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;

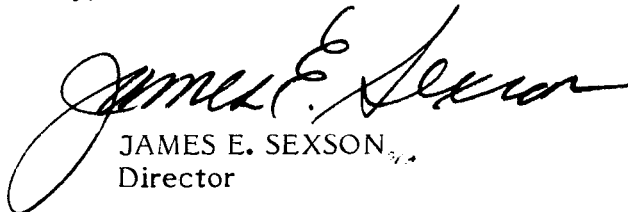
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1984.

The order of the Water Resources Director approving Transfer Application 5125 provided for cancellation of Certificate of water right recorded at page 32780, Volume 24, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; therefore,

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by said order; 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 Richard and Donna Shuck.

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