

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF GLENN E. ELLIS FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM EAST FORK EVANS CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2401

On June 9, 1970, Glenn E. Ellis 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.

Certificate of water right issued to Harry and Ellen Reed and recorded at page 14645, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of water from East Fork Evans Creek for the irrigation of, among other lands, 10.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 10.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, Township 34 South, Range 2 West, W.M., with a date of priority of May 3, 1939. These lands are irrigated by means of the Buckland Ditch from a point of diversion located 30 feet south and 1120 feet east from the NW corner of Section 4 being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 34 South, Range 2 West, W.M.

The applicant herein, contract purchaser of the lands above described, proposes to irrigate 3.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, Township 34 South, Range 2 West, W.M. by means of the Buckland Ditch from a point of diversion to be located 704 feet north and 825 feet west from the S $\frac{1}{4}$  corner of Section 33 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33, Township 33 South, Range 2 West, W.M. and 7.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 10.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, Township 34 South, Range 2 West, W.M. from a point of diversion to be located 950 feet south and 1100 feet west from the S $\frac{1}{4}$  corner of Section 33 being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 34 South, Range 2 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.

Elisabeth Cotten, contract seller of the lands involved, has submitted written approval of the change in point of diversion.

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 of water from East Fork Evans Creek, to-wit:

From a point located 30 feet south and 1120 feet east from the NW corner of Section 4 being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 34 South, Range 2 West, W.M.

To a point to be located 704 feet north and 825 feet west from the S $\frac{1}{4}$  corner of Section 33 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33, Township 33 South, Range 2 West, W.M.

for the irrigation of 3.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, Township 34 South, Range 2 West, W.M. and

To a point to be located 950 feet south and 1100 feet west from the S $\frac{1}{4}$  corner of Section 33 being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 34 South, Range 2 West, W.M.

for the irrigation of 7.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 10.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, Township 34 South, Range 2 West, W.M., with a date of priority of May 3, 1939, 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 0.25 cubic foot per second.

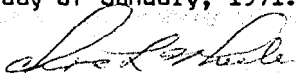
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 the certificate of water right heretofore issued to Harry and Ellen Reed and recorded at page 14645, Volume 12, State Record of Water Right Certificates, is canceled 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 Glenn E. Ellis confirming the change in point of diversion.

Dated at Salem, Oregon, this 7<sup>th</sup> day of January, 1971.

  
CHRIS L. WHEELER  
State Engineer