

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
MRS. JEANETTE BLAKELY FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM EVANS CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3622

On April 11, 1977, an application was filed in the office of the Water Resources Director by Mrs. Jeanette Blakely for a change in point of diversion under existing water rights of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 32145, Volume 24, State Record of Water Right Certificates, in the names of M. M. and Marjorie D. Toothman and Gerusha Smithpeter, describes a right for use of not to exceed 0.01 cubic foot per second from Evans Creek for irrigation of 1.0 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 35 South, Range 3 West, W.M., with a date of priority of November 8, 1918.

The certificate recorded at page 7486, Volume 7, State Record of Water Right Certificates, in the name of J. E. Smithpeter, describes a right for the use of not to exceed 0.13 cubic foot per second from Evans Creek for irrigation of 10.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923.

Water for the said rights is diverted, through the Carter Ditch, from a point located 1200 feet North and 1450 feet East from the Southwest corner of Section 34, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34, Township 34 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 530 feet South and 30 feet West from the Northeast corner of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 35 South, Range 3 West, W.M., being within the said NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4.

Notice of the application, pursuant to ORS 540.510, was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of May 27, June 2 and 9, 1977.

Mr. David C. Hendrix, 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 requested change in point of diversion as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water available at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject rights and shall not exceed 0.01 cubic foot per second with a date of priority of November 8, 1918 and 0.13 cubic foot per second with a date of priority of December 1, 1923.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates 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;

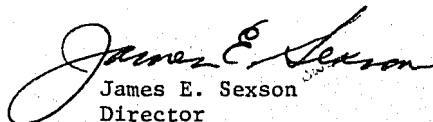
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the said certificates of water right recorded

at page 32145, Volume 24 and at page 7486, Volume 7, State Record of Water Right Certificates, are canceled, 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 15th day of September, 1977.

  
James E. Sexson  
Director