

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }  
OF EARL E. AND MERRY J. SAMSON }  
FOR THE APPROVAL OF A CHANGE IN }  
POINT OF DIVERSION OF WATER FROM }  
EVANS CREEK }  
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ORDER APPROVING  
TRANSFER NO. 3118

On August 19, 1974, Earl E. and Merry J. Samson filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to E. M. Richman and recorded at Page 3571, Volume 4, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 0.25 cubic foot per second of water from Evans Creek for the irrigation of 12.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 8.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of March 27, 1917. On January 28, 1966, an order was entered by the State Engineer approving a change in point of diversion of water for the right confirmed by the certificate recorded at Page 3571, State Record of Water Right Certificates. Satisfactory proof has been submitted to the Water Resources Director that water has been used beneficially for the irrigation of the aforementioned lands from the approved point of diversion located 650 feet North and 2610 feet East from the West quarter-corner of Section 5, Township 35 South, Range 3 West, W.M.

The applicant herein, owner of 0.5 acre in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 4.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 5 of the lands above described, proposes to irrigate these lands from a point of diversion to be located 490 feet South and 1960 feet East from the West quarter-corner of Section 5, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 35 South, Range 3 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 is no intervening diversion.

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 objection 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 change in point of diversion of water from Evans Creek, to wit:

From a point located 650 feet North and 2610 feet East from the West quarter-corner of Section 5, being within the  $SE\frac{1}{4} NW\frac{1}{4}$  of Section 5, Township 35 South, Range 3 West, W.M.

To a point to be located 490 feet South and 1960 feet East from the West quarter-corner of Section 5, being within the  $NE\frac{1}{4} SW\frac{1}{4}$  of Section 5, Township 35 South, Range 3 West, W.M.

for the irrigation of 0.5 acre in  $SE\frac{1}{4} NW\frac{1}{4}$  and 4.0 acres in  $NE\frac{1}{4} SW\frac{1}{4}$  of Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of March 27, 1917, 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, 1977.

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 0.056 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 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.

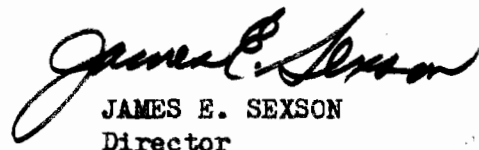
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

On July 19, 1976, an order was entered by the Water Resources Director canceling that portion of the right confirmed by the certificate recorded at Page 3571 for the use of 0.044 cubic foot of water per second for the irrigation of 3.5 acres.

The order entered by the State Engineer January 28, 1966, canceled the certificate of water right heretofore issued to E. M. Richman recorded at Page 3571 and provided for the issuance of a new certificate upon completion of the approved change in point of diversion confirming the water right.

It is FURTHER ORDERED that the portions of the right canceled by the order entered July 19, 1976, and involved in the change authorized herein not be included in the new certificate to be issued as provided by the order entered January 28, 1966, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein, a certificate of water right shall be issued to Earl E. and Merry J. Samson confirming the change in point of diversion.

Dated at Salem, Oregon, this 21st day of July, 1976.

  
JAMES E. SEXSON  
Director