

Jackson County

IN THE MATTER OF THE APPLICATION)
OF ROBERT A. SHIBLER FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM EVANS)
CREEK)

ORDER
APPROVING APPLICATION

On November 28, 1961, Robert A. Shibler of Rogue River, Oregon, filed an application in the office of the State Engineer 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 L. A. Martin and recorded at page 2015, Volume 3, State Record of Water Right Certificates, confirms a right under Permit No. 1173 for the use of the waters of Evans Creek for the irrigation of, among other lands, 14 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 11.75 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 36 South, Range 4 West, W. M., with a date of priority of April 10, 1912. These lands are irrigated by means of a pumping plant, the point of diversion of said pumping plant being located 2508 feet North and 2409 feet West from the southeast corner of Section 4, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 4, Township 36 South, Range 4 West, W. M.

The applicant herein, owner of the land above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant being located 288 feet North and 2594 feet West from the E $\frac{1}{2}$ corner of Section 4, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 4, Township 36 South, Range 4 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 of water may be made without injury to existing rights.

No objections having been filed and it appearing that the change in point of diversion of water 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 Evans Creek, to-wit:

From a point located 2,508 feet North and 2,409 feet West from the southeast corner of Section 4, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 4, Township 36 South, Range 4 West, W.M.

To a point located 288 feet North and 2594 feet West from the E $\frac{1}{4}$ corner of Section 4, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 4, Township 36 South, Range 4 West, W.M.

for the irrigation of 14 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 11.75 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 36 South, Range 4 West, W. M., with a date of priority of April 10, 1912, be and the same hereby is approved.

It is FURTHER ORDERED that no time need be fixed for completion of construction as the pumping plant has been installed and is in operation.

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 pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

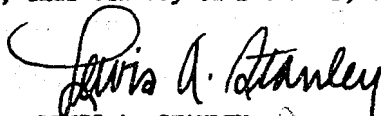
That the plans of the weir or other suitable device be approved by the watermaster of Jackson County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 6th day of December, 1961.

Notation made on Records

App.# 2202

Cert.# 2015


LEWIS A. STANLEY
State Engineer