

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF W. H. AND NATALIE JOSLIN HALL )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION AND PLACE OF USE )  
OF WATER FROM EVANS CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3098

On July 19, 1974, W. H. and Natalie Joslin Hall filed an application in the office of the State Engineer for the approval of a change in point of diversion and 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 Louis Sivers for the use of the waters of Evans Creek for the irrigation of 10.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 2.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 1.0 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34, Township 34 South, Range 3 West, W.M., with a date of priority of 1898, as evidenced by certificate of water right recorded at Page 16114, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Sivers Ditch from a point of diversion located 1740 feet North and 2450 feet East from the Southwest corner of Section 26, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26, Township 34 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use of 1.0 acre in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  to 1.0 acre in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 34 South, Range 3 West, W.M., and to irrigate this land, together with the balance of the lands, from a point of diversion to be located 1610 feet North and 1440 feet East from the Southwest corner of Section 34, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 34 South, Range 3 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on June 3, 1975, at 9:30 a.m. The notice 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 April 8, 15 and 22, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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

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

From a point located 1740 feet North and 2450 feet East from the Southwest corner of Section 26, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 26, Township 34 South, Range 3 West, W.M.

To a point to be located 1610 feet North and 1440 feet East from the Southwest corner of Section 34, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34, Township 34 South, Range 3 West, W.M.

for the irrigation of 11.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 2.0 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 34 South, Range 3 West, W.M., with a date of priority of 1898, 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, 1976.

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 0.32 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.

It is FURTHER ORDERED that certificate of water right heretofore issued to Louis Sivvers and recorded at page 16114, Volume 13, 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 and place of use, a certificate of water right shall be issued to W. H. and Natalie Joslin Hall confirming the change in point of diversion and place of use.

Dated at Salem, Oregon, this 4th day of June, 1975.



CHRIS L. WHEELER  
State Engineer