

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF EUGENE L. & ETHEL A. MARS FOR)
APPROVAL OF CHANGES IN PLACE OF)
USE & POINT OF DIVERSION OF WATER))
- - - - -

ORDER APPROVING
TRANSFER NO. 2514

On April 29, 1971, an application was filed in the office of the Water Resources Director by Eugene L. and Ethel A. Mars for approval of changes in place of use and point of diversion, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 45664, Volume 38, State Record of Water Right Certificates, in the name of Eugene Mars, describes a right which includes the use of not to exceed 0.08 cubic foot per second from Evans Creek for irrigation of a certain 4.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 35 South, Range 4 West, W.M., with a date of priority of 1902.

The authorized point of diversion for said right is located 715 feet South and 540 feet West from the Southeast Corner of Section 21, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 35 South, Range 4 West, W.M.

The applicants herein propose to change the place of use and point of diversion therefrom, without loss of priority, and to irrigate in lieu thereof a certain 4.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.5 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 21, from a new point of diversion located 780 feet South and 180 feet West from the Northeast Corner of Section 21, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 21.

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of June 21 and 28 and July 5, 1979.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

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 under the subject right, and shall not exceed 0.08 cubic foot per second.

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:

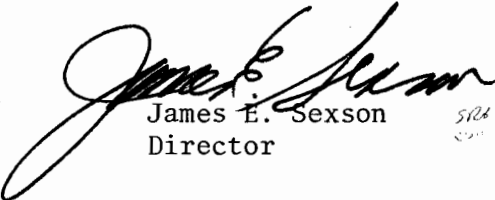
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the changes in place of use and point of diversion are completed.

It is FURTHER ORDERED that the certificate recorded at page 45664, Volume 38, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; 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, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 31st day of August, 1979.


James E. Sexson
Director

5826
200