

Jackson County

IN THE MATTER OF THE APPLICATION
OF REASON D. EVENSIZER FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION AND PLACE OF USE OF
WATER FROM EVANS CREEK

ORDER APPROVING
TRANSFER NO. 3104

On July 29, 1974, Reason D. Evensizer filed an application in the office of the Water Resources Director 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 April 26, 1919, 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 R. Carter for the use of the waters of Evans Creek for the irrigation of 4.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 35 South, Range 3 West, W.M., with a date of priority of 1893, as evidenced by certificate of water right recorded at Page 16112, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Carter ditch from a point of diversion located 1200 feet North and 1450 feet East from the Southwest corner of Section 34, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 34 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right, without loss of priority, from 1.0 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, to 1.0 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 35 South, Range 3 West, and to irrigate this 1.0 acre, together with the remaining 3.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, from a point of diversion to be located 640 feet South and 225 feet West from the Northeast corner of Section 4, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, Township 35 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 December 17, 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 October 22, 29 and November 5, 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 place of use and point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change 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 change in place of use of water is approved and the water right hereinbefore described as appurtenant to 1.0 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 35 South, Range 3 West, W.M., with a date of priority of 1893, be severed therefrom and simultaneously and without loss of priority transferred to 1.0 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 35 South, Range 3 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Evans Creek, to wit:

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.

To a point to be located 640 feet South and 225 feet West from the Northeast corner of Section 4, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 35 South, Range 3 West, W.M.

for the irrigation of 3.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, and 1.0 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 35 South, Range 3 West, W.M., with a date of priority of 1893, 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 0.10 cubic foot per second.

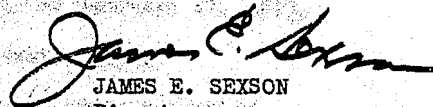
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

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 the certificate of water right heretofore issued to R. Carter and recorded at Page 16112, Volume 13, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion and place of use, a certificate of water right shall be issued to Reason D. Evensizer confirming the extent to which water has been applied beneficially from the point of diversion authorized herein.

2-4-76


JAMES E. SEXSON
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF GEORGE AND VERNA ABBAS)
CENTRAL OREGON IRRIGATION DISTRICT)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER)
FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 3336

On December 15, 1975, George and Verna Abbas filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Deschutes River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Deschutes County, Oregon, entered September 30, 1958, In the Matter of the Determination of the Relative Rights to the Use of the Deschutes River and its Tributaries, a water right was established in the name of Central Oregon Irrigation District for the use of the waters of Deschutes River for the irrigation of, among other lands, 5.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 14 South, Range 13 East, W. M., being tabulated in the name of Jack McClurg, with dates of priority of October 31, 1900 and December 2, 1907, as evidenced by certificate of water right recorded at Page 29052, Volume 21, State Record of Water Right Certificates. These lands also have a supplemental right under Permit No. 23256 to the use of the water stored in Crane Prairie Reservoir with a date of priority of February 28, 1913. These lands are irrigated by means of the Pilot Butte Canal.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority,

to 5.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 14 South, Range 13 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

The lands involved herein are within the boundaries of the Central Oregon Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting held November 5, 1975.

No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

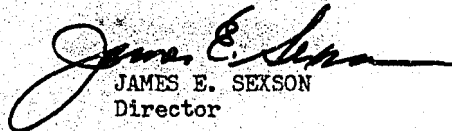
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 5.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 14 South, Range 13 East, W.M., with dates of priority of October 31, 1900, and December 2, 1907, be severed therefrom and simultaneously and without loss of priority transferred to 5.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 14 South, Range 13 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1976.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of complete application of water to beneficial

use on the lands to which the water is transferred hereby, a certificate of water right will be issued to the Central Oregon Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon, this 6th day of February, 1976.



JAMES E. SEXSON
Director