

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION OF
JAMES R. AND MYRNA L. KEITH FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM EVANS CREEK

ORDER APPROVING
TRANSFER NO. 3211

On April 28, 1975, James R. and Myrna L. Keith 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 Vern L. Orr and recorded at Page 32783, Volume 24, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.40 cubic foot per second of water from Evans Creek for the irrigation of, among other lands, 2.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 4.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, 2.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 3.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 35 South, Range 4 West, W.M., more explicitly described as the North Half of Tract #2, Pleasant Valley Farm Tracts, with a date of priority of 1902. These lands are irrigated by means of the Vroman ditch from a point of diversion located 1200 feet North and 100 feet West from the East quarter-corner of Section 11, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 35 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1230 feet North and 750 feet West from the Southeast corner of Section 21, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 35 South, Range 4 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 January 22, 1976, 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 November 27, December 4 and 11, 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 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 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 1200 feet North and 100 feet West from the East quarter-corner of Section 11, being within the $SE\frac{1}{4} NE\frac{1}{4}$ of Section 11, Township 35 South, Range 4 West, W.M.

To a point to be located 1230 feet North and 750 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.

for the irrigation of 2.0 acres in $NE\frac{1}{4} SE\frac{1}{4}$, 4.2 acres in $SE\frac{1}{4} SE\frac{1}{4}$, Section 21, 2.0 acres in $NW\frac{1}{4} SW\frac{1}{4}$ and 3.9 acres in $SW\frac{1}{4} SW\frac{1}{4}$, Section 22, Township 35 South, Range 4 West, W.M., more explicitly described as the North half of Tract #2, Pleasant Valley Farm Tracts, with a date of priority of 1902, 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 0.2 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 headgates and measuring devices:

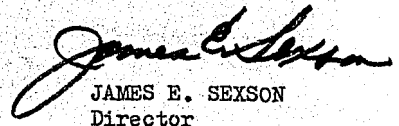
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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.

An order entered February 17, 1976, approved an application designated as Transfer 3215 for a change of point of diversion for the balance of the lands not involved in this proceeding and provided for cancelation of the certificate recorded at Page 32783, Volume 24, State Record of Water Right Certificates.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to James R. and Myrna L. Keith confirming the change in point of diversion.

Dated at Salem, Oregon, this 17th day of February, 1976.


JAMES E. SEXSON
Director