

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOSEPH F. & IMOGENE V. LYONS)
FOR APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4251

On July 10, 1979, an application was filed in the office of the Water Resources Director by Joseph F. and Imogene V. Lyons for approval of a change in point of diversion of water from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 32777, Volume 24, State Record of Water Right Certificates, in the name of A. I. Brooks, describes a right for the use of not to exceed 0.33 cubic foot per second from Evans Creek for irrigation of a certain 21.0 acres in Lot 3 of Pleasant Valley Tracts, being 9.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, and 12.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 35 South, Range 4 West, W.M., with a date of priority of 1902.

Water for the said right is diverted, through the Vroman Ditch, 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.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 1680 feet North and 600 feet West from the Southeast Corner of Section 21, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 35 South, Range 4 West, W.M.

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 July 24 and 31, and August 7, 1979.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion, as described herein, without loss of priority, is 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.

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:

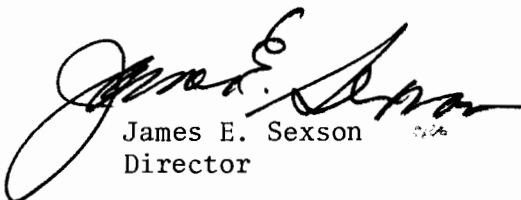
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 32777, Volume 24, State Record of Water Right Certificates, is canceled; 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 25th day of September, 1979.


James E. Sexson
Director