

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF J. IVAN HALL FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM EVANS CREEK )  
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ORDER APPROVING  
TRANSFER NO. H-174

On December 23, 1966, J. Ivan Hall filed an application in the office of the State Engineer 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.

By Decree of the Circuit Court of Jackson County, entered January 10, 1940, 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 Paul S. Seeley for the irrigation of, among other lands, 3.5 acres in Lot 11 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ), and 4.8 acres in Lot 11 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ), Pleasant Valley Farm Tracts, Section 15, Township 35 South, Range 4 West, W.M., with a date of priority of 1902. This right was confirmed by certificate recorded at page 32775, Volume 24, State Record of Water Right Certificates, issued to Paul H. and Mabel L. Cassell, successors in interest to Paul S. Seeley.

These lands are irrigated by means of a portable pumping unit between a point located 360 feet south and 1320 feet west from the NE corner of the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, Township 35 South, Range 4 West, W.M., and a point 460 feet downstream therefrom.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion to be located 1260 feet north and 1300 feet west from the S $\frac{1}{4}$  corner of Section 15, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, Township 35 South, Range 4 West, W.M.

Notice of the filing of the application by publication as provided by ORS 540.520 was not given in connection with this application for the reason

said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

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 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 point of diversion of water from Evans Creek, to-wit:

From a portable pumping unit located between a point 360 feet south and 1320 feet west from the NE corner of the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, Township 35 South, Range 4 West, W.M., and a point 460 feet downstream therefrom,

To a point to be located 1260 feet north and 1800 feet west from the S $\frac{1}{4}$  corner of Section 15, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, Township 35 South, Range 4 West, W.M.

for the irrigation of 3.5 acres in the Lot 11 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) and 4.8 acres in Lot 11 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ), Pleasant Valley Farm Tracts, Section 15, Township 35 South, Range 4 West, W.M., 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, 1967.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion, and shall not exceed 0.13 cubic foot per second of water.


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 a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 Paul H. and Mabel L. Cassell, successors in interest to Paul S. Seeley, and recorded at page 32775, Volume 24, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to J. Ivan Hall confirming the change in point of diversion of water.

Dated at Salem, Oregon, this 2nd day of February, 1967.

  
CHRIS L. WHEELER  
State Engineer