

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF PAUL B. AND CYTHA G. DICKEY)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
EVANS CREEK)

ORDER APPROVING
TRANSFER NO. D-113

On June 21, 1965, Paul B. and Cytha G. Dickey 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.

Certificate of water right issued to E. M. Richman and recorded at page 3571, Volume 4, State Record of Water Right Certificates, confirms a right to the use of the waters of Evans Creek for the irrigation of 12.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 8.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of March 27, 1917.

Certificate of water right issued to R. S. and S. M. Richman and recorded at page 7488, Volume 7, State Record of Water Right Certificates, confirms a right to the use of the waters of Evans Creek for the irrigation of 20.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 11.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 9.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923.

All of the lands above described are irrigated by means of the Carter and Meathamer Ditch, the point of diversion of said ditch being located 1200 feet north and 1450 feet east from the SW corner of Section 34, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 34, Township 34 South, Range 3 West, W.M.

The applicants herein propose to irrigate these lands by means of a pumping plant to be located at a point 2000 feet south and 50 feet west from

N^W corner of Section 5, and being within the S^W ¹/₄ of said Section 5, 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 at Medford, Oregon, on January 26, 1966, at 9:30 a.m. The notice was published in the Rogue River Times, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of December 3, 10 and 17, 1965. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Joseph L. Diddock, Assistant 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 proposed 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 S^W corner of Section 34, and being within the S^{SE} ¹/₄ of said Section 34, Township 34 South, Range 3 West, W.M.

To a point to be located 2000 feet south and 50 feet west from the N^W corner of Section 5, and being within the S^W ¹/₄ of said Section 5, Township 35 South, Range 3 West, W.M.

for the irrigation of 12.0 acres in the S^E ¹/₄ and 8.0 acres in the N^W ¹/₄, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of March 27, 1917, and 20.0 acres in the S^W ¹/₄, 11.0 acres in the S^W ¹/₄ and 9.0 acres in the N^E ¹/₄, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923, 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, 1966.

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.

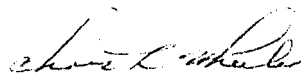
It is FURTHER ORDERED that the following provision shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include 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 J. M. Richman and recorded at page 3571, Volume 4, State Record of Water Right Certificates, and certificate of water right heretofore issued to R. B. and J. M. Richman and recorded at page 7488, Volume 7, State Record of Water Right Certificates, are canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion of water, certificates of water right shall be issued to Paul B. and Cytha W. Dickey confirming the change in point of diversion.

Dated at Salem, Oregon this 28th day of January 1966.



CHRIS L. MUELLER
State Engineer