

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF VENSON A. HUNT FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM EAST FORK EVANS CREEK,)
SOMETIMES CALLED EVANS CREEK.)

ORDER
APPROVING APPLICATION

On April 14, 1959, Venson A. Hunt of Route 1, Box 130, Rogue River, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from East Fork of Evans Creek, sometimes called 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

of the various claimants to the waters of Rogue River and its tributaries, a water right was adjudicated in the name of J. M. Stevens for stock purposes and the irrigation of, among other lands, 3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 10 acres

in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 34 South, Range 2 West, W. M., with a date of priority of 1888. Certificate of water right recorded at page 1997, Volume 3, State Record of Water Right Certificates, was issued to J. N. Hocker-

smith, confirming a right under Permit E-191 for the use of water of Evans Creek, sometimes called East Fork of Evans Creek, for the irrigation of,

among other lands, 9 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 25 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 34 South, Range 2 West, W. M., with a date of priority of August 27, 1913. These lands are irrigated by means of a pumping plant, the point of diversion of said pumping plant being located 1225 feet north and 1350 feet west from the southeast corner of Section 20, and being within

the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 20, Township 34 South, Range 2 West, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion of the pumping plant for the irrigation of

said lands to a point to be located 560 feet north and 565 feet east from the south quarter corner of Section 20, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 20, Township 34 South, Range 2 West, W. M.

Notice 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. 15, has filed a statement 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 East Fork of Evans Creek, sometimes called Evans Creek, to-wit:

From a point located 1225 feet north and 1350 feet west from the southeast corner of Section 20, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 20, Township 34 South, Range 2 West, W. M.,

To a point to be located 560 feet north and 565 feet east from the south quarter corner of Section 20, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 20, Township 34 South, Range 2 West, W. M.,

for the irrigation of 3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 34 South, Range 2 West, W. M., with a date of priority of 1888, and 9 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 25 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 20, with a date of priority of August 27, 1913, be and the same 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.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1959 or within such extension of time as may be granted by the State Engineer for good cause shown.

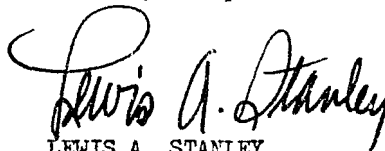
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the pumping plant and related 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 of Jackson County, Oregon, and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 16th day of April 1959.

*Noted on Decree
Vol. 4, p. 18, col. 3
Cert. #16155*


LEWIS A. STANLEY
State Engineer