

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF DAVID G. THOMAS FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION) )  
OF WATER FROM EVANS CREEK ) )  
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ORDER APPROVING  
TRANSFER NO. 3692

On June 2, 1977, an application was filed in the office of the Water Resources Director by David G. Thomas for approval of a change in point of diversion from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 32798, Volume 24, State Record of Water Right Certificates, in the name of Arthur W. Patterson, describes a right which includes the use of not to exceed 0.26 cubic foot per second from Evans Creek for irrigation of a certain 16.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 9, Township 36 South, Range 4 West, W.M., with a date of priority of 1902.

Water for the said right is diverted from a point located 730 feet South and 570 feet West from the Northeast Corner of Section 9, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 9.

The applicant herein proposes to change the point of diversion therefrom, without loss of priority, to a point located 20 feet South and 730 feet West from the Northeast Corner of Section 9, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 9.

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, and shall not exceed 0.26 cubic foot per second.

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:

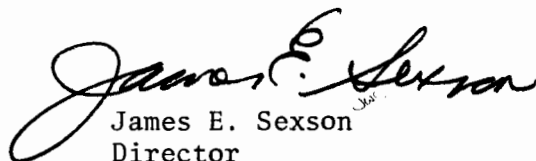
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Arthur W. Patterson and recorded at page 32798, 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 applicant herein.

Dated at Salem, Oregon, this 30th day of March, 1978.

  
James E. Sexson  
Director