

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF CLARENCE O. AND DYLYS F. HANSEN)
FOR APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5095

On July 26, 1982, an application was filed in the office of the Water Resources Director by Clarence O. and Dyllys F. Hansen 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.

By Decree of the Circuit Court for Jackson County, Oregon, entered May 19, 1964, 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 names of Calvin and Earl Stephens, tabulated in Volume 13, page 384, Order Record of the Water Resources Director, for use of the waters of Evans Creek for stock use and irrigation of, among other lands, a certain 10.4 acres in NE 1/4 NE 1/4 and 6.6 acres in NW 1/4 NE 1/4, Section 15, Township 35 South, Range 4 West, WM, with a date of priority of 1902, as evidenced by the certificate recorded at page 32786, Volume 24, State Record of Water Right Certificates.

Water for the said right is diverted, through the Vroman Ditch, from a point located 1,200 feet North and 100 feet West from the East Quarter Corner of Section 11, being within the SE 1/4 NE 1/4 of Section 11, Township 35 South, Range 4 West, WM.

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 595 feet South and 2,180 feet West from the Northeast Corner of Section 15, being within the NW 1/4 NE 1/4 of Section 15, Township 35 South, Range 4 West, WM.

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 August 2, 9 and 16, 1982.

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 0.28 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, 1984.

It is FURTHER ORDERED that the certificate recorded at page 32786, 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 18th day of October, 1982.


JAMES E. SEXSON_{SAL}
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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