

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION OF )  
EDWARD S. SIMMONS FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM EVANS CREEK. )  
-----)

O R D E R

APPROVING APPLICATION

On June 4, 1947, Edward S. Simmons of Rogue River, Oregon, filed an application for a change in point of diversion of water from Evans Creek, pursuant to the provisions of Section 116-606, O. C. L. A.

Certificate of water right recorded at Page 2015, Volume 3, State Record of Water Right Certificates, was issued to L. A. Martin confirming a right to the use of the waters of Evans Creek under Permit No. 1173 for the irrigation of, among other lands, 14 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 11.75 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 4, Township 36 South, Range 4 West, W. M., with a date of priority of April 10, 1912. The point of diversion for the irrigation of these lands is located 288 feet north and 2,594 feet west from the east quarter corner of Section 4, Township 36 South, Range 4 West, W. M.

Edward S. Simmons, owner of the above described lands and water right appurtenant thereto proposes to change the point of diversion for the irrigation of these lands to a point to be located 2,508 feet north and 2,409 feet west from the southeast corner of Section 4, Township 36 South, Range 4 West, W. M.

Notice by publication, as provided by Section 116-606, O. C. L. A., was not given in connection with this application for the reason that said section provides that in applications for a change in point of diversion of less than 1/4 mile and where there are no intervening diversions between the old point of diversion of the applicant and his proposed new point of diversion no notice shall be required to be published.

Mr. Clinton A. Smith, Watermaster District No. 15, Medford, Oregon, has submitted a report 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.

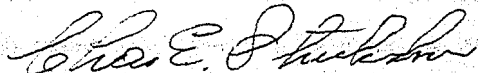
NOW, THEREFORE, it is hereby ORDERED that the proposed change in point of diversion of water from Evans Creek, to-wit:

From a point located 288 feet north and 2,594 feet west from the east quarter corner of Section 4, Township 36 South, Range 4 West, W. M.,

To a point to be located 2,508 feet north and 2,409 feet west from the southeast corner of Section 4, Township 36 South, Range 4 West, W. M.,

for the irrigation of 14 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 11.75 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 4, Township 36 South, Range 4 West, W. M., with a date of priority of April 10, 1912, be and the same hereby is approved.

Dated at Salem, Oregon, this 3rd day of July, 1947.

  
CHAS. E. STRICKLIN  
State Engineer

*Noted on Cert. 2015  
Trst. No. 5-54*