

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF RICHARD S. AND DONNA M. SHUCK )  
FOR APPROVAL OF A CHANGE IN POINT )  
OF DIVERSION OF WATER )

ORDER APPROVING  
TRANSFER 5550

On October 11, 1984, an application was filed in the office of the Water Resources Director by Richard S. and Donna M. Shuck 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 name of Bud Oden, tabulated in Volume 13, page 382, Order Record of the Water Resources Director, for use of water from Evans Creek for irrigation of, among other lands, a certain 2.4 acres in NE 1/4 SW 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 32780, Volume 24, State Record of Water Right Certificates. The order of the Water Resources Director dated May 27, 1983, approving Transfer 5248 authorized a change in place of use to irrigation of 2.4 acres in NW 1/4 SE 1/4, Section 11, Township 35 South, Range 4 West, WM.

By said Decree, a water right was established in the name Paul S. Seeley, tabulated in Volume 13, page 381, Order Record of the Water Resources Director, for use of water from Evans Creek for irrigation of, among other lands, a certain 1.5 acres in NE 1/4 NW 1/4 and 1.0 acre in SW 1/4 SW 1/4, Section 22, Township 35 South, Range 4 West, WM, with a date of priority of 1902, as evidenced by the certificate recorded at page 46876, Volume 39, State Record of Water Right Certificates. The orders of the Water Resources Director dated May 27, 1983, approving Transfers 5249 and 5250 authorized changes in place of use to irrigation of 2.5 acres in NW 1/4 SE 1/4, Section 11, Township 35 South, Range 4 West, WM.

Water for the said rights is diverted, through the Vroman Ditch, from a point located 1200 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 to a point located 650 feet South and 200 feet East from the Center of Section 11, being within the NW 1/4 SE 1/4 of Section 11, Township 35 South, Range 4 West, WM. The change in point of diversion is reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of October 29, November 5 and 12, 1984.

Bruce R. Sund 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 proposed change in point of diversion is approved, without loss of priority.

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.

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 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, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon, this 10th day of December, 1984.

  
WILLIAM H. YOUNG  
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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