

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF RICKY E. & PATRICIA L. McKIBBIN )  
FOR APPROVAL OF A CHANGE IN POINT )  
OF DIVERSION OF WATER )

ORDER APPROVING  
TRANSFER NO. 4574

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On July 23, 1980, an application was filed in the office of the Water Resources Director by Ricky E. and Patricia L. McKibbin for approval of a change in point of diversion of water from East Fork Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 43971, Volume 36, State Record of Water Right Certificates, in the name of Glenn E. Ellis, describes a right which includes the use of not to exceed 0.05 cubic foot per second from East Fork Evans Creek for irrigation of a certain 3.5 acres in NW 1/4 NW 1/4, Section 4, Township 34 South, Range 2 West, W.M., with a date of priority of May 3, 1939.

Water for the said right is diverted from a point located 460 feet North and 1550 feet East from the Southwest Corner of Section 33, being within the SE 1/4 SW 1/4 of Section 33, Township 33 South, Range 2 West, W.M.

The applicants herein, contract buyers of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 600 feet South and 1200 feet East from the Northwest Corner of Section 4, being within the NW 1/4 NW 1/4, Section 4, Township 34 South, Range 2 West, W.M.

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.

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:

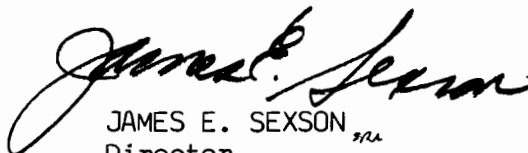
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1981.

It is FURTHER ORDERED that the certificate recorded at page 43971, Volume 36, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; 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 11th day of August, 1980.

  
JAMES E. SEXSON <sup>SR.</sup>  
Director