

2403 M.K. + F.J. Hanks
20257 Evans Creek Rd
Central Point Ore 97501

2403

STATUS OF APPLICATION

Change in Point of Diversion
Date filed June 12, 1970
Date of hearing September 2, 1970
Place of hearing Medford, Oregon
Date of order 1-7-71 Vol. 20, page 334
Date for application of water 10-1-71

Proof mailed

Proof received

Certificate issued FEB 26 1971 Vol. 29, page 37370

7 AUG 30 1976 Vol. 35 page 43571

DESCRIPTION OF WATER RIGHT

Name of stream E. Fk. Evans Creek
Trib. of - County of Jackson
Use Irrigation
Quantity of water 0.335 cfs No. of acres 20.0
Name of ditch Mayfield
Date of priority 1888
In name of Finis Mayfield
Roque River Adjudication, Vol. 4, page 18 col. 2
App. No. Per. No. Cert. No. 16152
Certificate cancelled

Notation made on record by slw

FEES PAID

Date	Amount	Receipt No.
<u>6/12/70</u>	<u>25.00</u>	<u>19274</u>
<u>6/12/70</u>	<u>35.00 BON</u>	<u>19275</u>
TOTAL . . .	<u>\$2</u>	
<u>7-27-70</u>	<u>\$1 Cert. Fee</u>	<u>from Pub. 7 Not.</u>

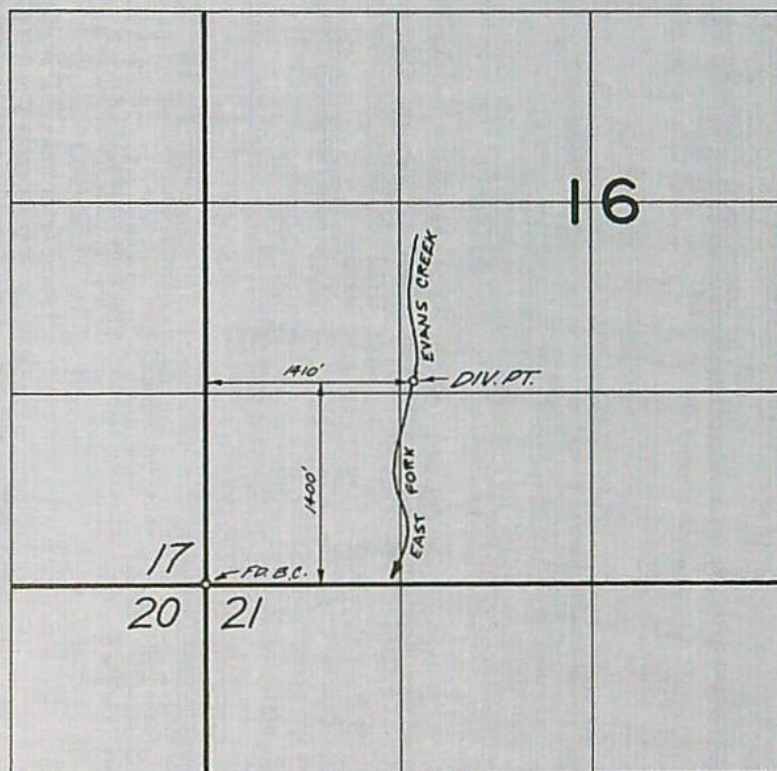
FEES REFUNDED

Date	Amount	Check No.
<u>7-27-70</u>	<u>\$10³³</u>	<u>Pub 7 Not. 3791</u>

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Checked
	Entered		
<input checked="" type="checkbox"/> Name	<u>slw</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Stream	<u>slw</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Pt. of Div.	<u>slw</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Calendar	<u>slw</u>	<input type="checkbox"/>	
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/> Twp. & Rge.	<u>slw</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Decree-vault	<u>slw</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Decree-safe	<u>slw</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Cert. of W/R	<u>slw</u>	<input type="checkbox"/>	
<input type="checkbox"/> Per. Folder	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Chainindex	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Lower Claim	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Abstracts	<input type="checkbox"/>	<input type="checkbox"/>	

T.34 S. R.2 W. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER No. 2403
Application No. _____ Permit No. _____
IN NAME OF

MILO & FRANCES HANKS

Surveyed JULY 30 1974, by D. NORBY

STATE OF OREGON

COUNTY OF JACKSON

Superseded by

Trs. Sp. Gr. Vol. 334

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Finis Mayfield

of Beagle, State of Oregon, has a right to the use of
the waters of East Fork Evans Creek, a tributary of Evans Creek
for the purpose of irrigation of ~~40~~²⁰ acres and Domestic and Stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1888;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ~~667~~^{0.335} cubic foot per second.

(Pt of Div. located) within NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, T. 34 S., R. 2 W., W. M.
Div. Pt. located 300 ft. S. & 1200 ft. W. from N $\frac{1}{4}$ Cor. Sec. 16
A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

- (5) ~~3.0~~ acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$.
 - (4) 5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 - (1) 5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$.
 - (2) ~~6.0~~ acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 - (3) 1 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- Section 16,
T. 34 S., R. 2 W., W. M.

Certificate of water right issued to Finis Mayfield and recorded at page 16152,

Volume 13, State Record of Water Right Certificates, confirms the right to the use of ~~40~~^{Dom. & Stock use} acres.

A change in the right to the use of water ~~appurtenant to~~^{approved} ~~the use of water~~ ~~appurtenant to~~ ~~20~~²⁰ acres was ~~transferred~~^{approved} by order of the State Engineer

entered January 7, 19 71. This certificate is issued to confirm the remaining right to

the use of water for irrigation ^{Dom & Stock use} and supersedes the certificate heretofore issued to

Finis Mayfield.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 30 day of September, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16152

STATE OF OREGON

COUNTY OF JACKSON

Subscribed

Tr. Sp. 10.534

CERTIFICATE OF WATER RIGHT

This is to Certify, That Milo & Frances Hanks
20257 Evans Creek Rd., Central Point
 of Oregon, State of Oregon, has a right to the use of
 the waters of East Fork Evans Creek, a tributary of Evans Creek
 for the purpose of irrigation ~~20~~ ²⁰ ~~acres and Domestic and Stock use~~

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Jackson County, and the said decree entered of record at Salem, in the Order Record of
 the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby
 confirmed dates from 1888;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed ~~666~~ ^{OK → 0.335} cubic foot per
 second.

(Pt of Div. located) ~~within NE 1/4 of Section 16, Tp. 34 S., R. 2 W., V. M.~~
~~Div. Pt. located 300 ft. S. & 1200 ft. W. (from NW 1/4 Cor. Sec. 16)~~
 A description of the lands irrigated under such right, and to which the water is appurtenant (or,
 if for other purposes, the place where such water is put to beneficial use), is as follows:

1400' N & 1410' E SW COR SEC 16

- ~~5~~ ~~30 1/2~~ ~~acres in SW 1/4 SW 1/4~~
- ~~4~~ ~~5~~ ~~acres in SW 1/4 SW 1/4~~
- ~~1~~ ~~5~~ ~~acres in SW 1/4 NW 1/4~~
- 13 ~~2~~ ~~40 1/2~~ ~~acres in NE 1/4 SW 1/4~~
- ~~2~~ ~~1~~ ~~acre in NW 1/4 SW 1/4~~
- 7 SCSW Section 16,
T. 34 S., R. 2 W., V. M.

This certificate is issued to confirm a change in pt of div approved by an order
 of the State Engineer entered Jan 7, 1971, and ^{together w/ certificate 37370} supersedes certificate of water
 right heretofore issued to Finis Mayfield, and recorded at page 16152, Volume
13, State Record of Water Right Certificates.

Finis Mayfield.

And said right shall be subject to all other conditions and limitations contained in said decree.
 The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
 use herein described.

WITNESS the signature of the State Engineer, affixed

this 28 day of September, 1971.

CHAS. E. STRICKLAND

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16152

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF MILO K. AND FRANCES JEAN HANKS)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
EAST FORK EVANS CREEK)

ORDER APPROVING
TRANSFER NO. 2403

On June 12, 1970, Milo K. and Frances Jean Hanks filed an application in the office of the State Engineer for the 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.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, 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 Finis Mayfield for the use of the waters of East Fork Evans Creek for the irrigation of, among other lands, 13.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 34 South, Range 2 West, W.M., with a date of priority of 1888. This right is evidenced by certificate recorded at page 16152, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Mayfield Ditch from a point of diversion located 300 feet south and 1200 feet west from the NW corner of Section 16 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 34 South, Range 2 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 1150 feet south and 1500 feet east from the W $\frac{1}{2}$ corner of Section 16 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 34 South, Range 2 West, W.M.

Notice of the filing of the application was given by publication

setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on September 2, 1970, at 9:30 a.m. The notice was published in the Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of July 10, 17, and 24, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect 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 hereby is ORDERED that the change in point of diversion of water from East Fork Evans Creek, to-wit:

From a point located 300 feet south and 1200 feet west from the NW $\frac{1}{4}$ corner of Section 16 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 34 South, Range 2 West, W.M.

To a point to be located 1150 feet south and 1500 feet east from the W $\frac{1}{4}$ corner of Section 16 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 34 South, Range 2 West, W.M.

for the irrigation of 13.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 34 South, Range 2 West, W.M., with a date of priority of 1888, is approved.

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, 1971.

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 and shall not exceed 0.335

cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 certificate of water right heretofore issued to Finis Mayfield and recorded at page 16152, Volume 13, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Milo K. and Frances Jean Hanks confirming said change in point of diversion.

Dated at Salem, Oregon, this 7th day of January, 1971.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Finis Mayfield

of Beagle, State of Oregon, has a right to the use of
the waters of East Fork Evans Creek, a tributary of Evans Creek
for the purpose of irrigation of 40 acres and Domestic and Stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Jackson County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby
confirmed dates from 1888;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 0.67 cubic foot per
second.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,
if for other purposes, the place where such water is put to beneficial use), is as follows:

3.0 10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 7.0
5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
6.0 19 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 13.0
1 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 16,
T. 34 S., R. 2 W., W. M.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

this 30 day of September, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16152

FIDAVIT OF PUBLICATION

STATE OF OREGON, }
County of Jackson, } ss.

I, Claudia M. Horton, being first duly sworn, depose and say that I am the printer of the ASHLAND TIDINGS, a daily newspaper of general circulation, printed and published in Ashland, in the aforesaid county and state; that such newspaper is made up of at least four pages of five columns of at least 17 3/4 inches in depth, or if smaller pages, then comprising an equivalent amount of type matter; that said newspaper was regularly and uninterruptedly published for at least one year immediately proceeding the first publication of the attached notice, and has more than 200 bona fied subscribers within the county in which it is published; that the notice of which the one hereto attached is a true and correct copy, viz;

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Milo K. and Frances Jean Hanks have filed an application for the approval of a change in point of diversion of water from East Fork Evans Creek.

In the Rogue River Adjudication proceedings a water right was established in the name of Finis Mayfield for the use of the waters of East Fork Evans Creek for the irrigation of, among other lands, 13.0 acres in NE 1/4 SW 1/4 and 7.0 acres in SE 1/4 SW 1/4, Sec. 16, T. 34 S., R. 2 W., W.M., with a date of priority of 1888. These lands are irrigated by means of the Mayfield Ditch from a point of diversion located 300 ft. S and 1200 ft. W from the N 1/4 corner of Sec. 16 being within the NE 1/4 NW 1/4 of Sec. 16, T. 34 S., R. 2 W., W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 1150 ft. S and 1500 ft. E from the W 1/4 corner of Sec. 16 being within the NE 1/4 SW 1/4 of Sec. 16, T. 34 S., R. 2 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on September 2, 1970, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Milo K. and Frances Jean Hanks, 20257 Evans Creek Road, Central Point, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 29th day of June, 1970.

CHRIS L. WHEELER
State Engineer

July 10, 17, 24

Notary Public for Oregon.

(My commission expires SEPT. 2, 1972)

was published in the regu
three successiv
dated the . . 10th . . . d
issue dated . . 24th . . .

That the price actual
That a reduction of \$
charitable purposes.

Subscribed and sworn

paper once a week for
nancing with the issue
and ending with the

1970
22
legal rate was made for

1970
of 1970
M.

AFIDAVIT OF PUBLICATION

STATE OF OREGON, }
County of Jackson, } ss.

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of Ashland Junior High School.
at 8:30 and little league at 9:30, at
Thursday mornings, with T-Ball
The teams play on Tuesday and
Kielling, a double.
triple and double; and Matt
homer and triple; Rick Cottle, a
Levison, a homer; Joe Sayre, a
homer and double; Mark
homers; Kevin Krumdieck, a
were Dan Fortmiller, with two
Leading hitters in the games

was published in the regular and entire issue of said newspaper once a week for
three successive and consecutive weeks, commencing with the issue
dated the 10th day of July, 1970, and ending with the
issue dated 24th day of July, 1970.

That the price actually charged for this notice was \$ 22.67.

That a reduction of \$ None from the legal rate was made for charitable purposes.

Subscribed and sworn to before me this 24 day of July, 1970.

Claudia M. Horton
Notary Public for Oregon.

(My commission expires SEPT. 2, 1972)