

2750

STATUS OF APPLICATION

Change in Point of Diversion  
Date filed Jan. 17, 1973  
Date of hearing May 8, 1973 9:30 a.m.  
Place of hearing Medford - County courthouse  
Date of order 3-22-74 Vol. 24, page 196-8  
Date for application of water 10-1-74  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued MAY 21 1975 Vol. 34, page 42160  
MAY 25 1979 Survey 48012

DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek  
Trib. of \_\_\_\_\_ County of Jackson  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 95  
Name of ditch Vroman ditch  
Date of priority 1902  
In name of Paul S. Seeley  
Rogue River Supplemental Adjudication, Vol. 13, page 381  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 36817  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>1-17-73</u>	<u>25.00</u>	<u>32148</u>
<u>1-17-73</u>	<u>40.00 P.O.N.</u>	<u>32149</u>
TOTAL . . .		
<u>3-30-73</u>	<u>\$2<sup>00</sup> Cert. Fee</u>	<u>From Pub. Not.</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

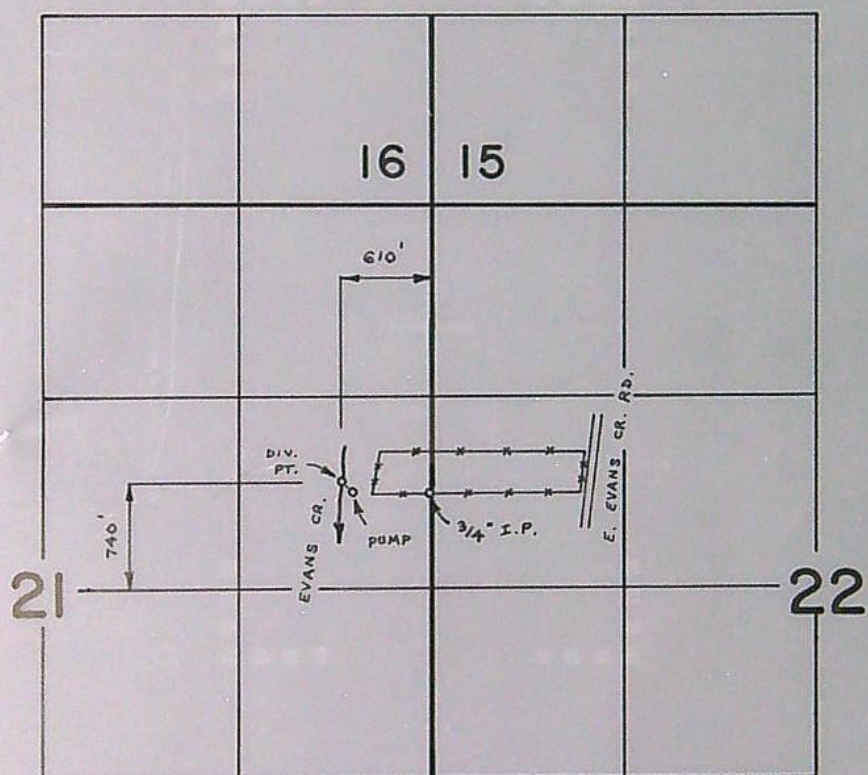
See also M-204

INDEX CARDS:

TO BE ENTERED WHERE CHECKED	Entered	Checked
Name	<u>WH</u>	
Stream	<u>WH</u>	
Pt. of Div.	<u>✓</u>	
Calendar	<u>✓</u>	
CHECKED TO RECORDS:		
Twp. & Rge.	<u>WH</u>	
Decree-vault	<u>WH</u>	
Decree-safe	<u>WH</u>	
Cert. of W/R	<u>WH</u>	
Per. Folder		
Chain-index		
Cross Ref.		
Power claim		
Abstracts		



T.35 S., R.4 W., W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2750

Application No. .... Permit No. ....

IN NAME OF

**JOHN D. & RUTH V. BOYD**

Surveyed DEC. 8 77 by B. SUND

D.H.M.

P.T.S. - 1977 - 14 - B



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

*We pay extra money*  
~~Superseded by~~ *v. 34*  
~~cut No. 42160~~ *OK*  
*MT*

This Is to Certify, That ~~PAUL G. SEELEY~~ *JOHN D. and Ruth V. Boyd*  
 6381 E. EVANS Creek Rd.,  
 of ~~1834 SW Vista Avenue,~~ *Rogue River* ~~Portland~~, State of ~~Oregon~~ *97208* *97537*, has a right  
 to the use of the waters of *Evans Creek*

a tributary of *Rogue River* *9.5* for the purpose of  
~~domestic, stock and irrigation of 49.7 acres~~  
 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 *16*, at page *523*; that the priority of the right thereby  
 confirmed dates from *1902*

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 *0.83* cubic ~~foot~~ *foot* per  
 second, *if available at the original point of diversion;* *0.16*

*SE 1/4 Sec 11 T 35 S R 4 W M, Vroman Ditch - 1200' N*  
*E 100' W from the E 1/4 cor Sec 11*

The point of diversion is located in the *21* ~~SE 1/4 NE 1/4, Section 21, T. 35 S., R. 4 W., W. M.~~  
*740 ft N and 610 ft W from E 1/4 cor Sec 21*

A description of the place of use under the right, and to which such right is appurtenant, is as  
 follows:

*9.5 acres in Lot 6*  
*(SE 1/4 NE 1/4, Section 21, and*  
*SW 1/4 NW 1/4, Section 22)*  
~~8.4 acres in Lot 13~~  
~~(SE 1/4 SW 1/4, Section 15)~~  
~~10.0 acres in Lot 14~~  
~~(NE 1/4 NW 1/4 and NW 1/4 NW 1/4~~  
~~Section 22)~~  
~~5.9 acres in Lot 15~~  
~~(NW 1/4, Section 22)~~  
~~7.0 acres in Lot 16~~  
~~(SE 1/4 NW 1/4, Section 22)~~  
~~2.0 acres in that part of~~  
~~Lot 19 (SW 1/4 SW 1/4, Section 22)~~

*2.5 acres SE 1/4 NE 1/4*  
*Sec 21*  
*7.0 acres SW 1/4 NW 1/4*  
*Sec 22*  
*T. 35 S, R. 4 W, W. M.*  
*being within Lot 6 of*  
*Pleasant Valley Farm Tracts*  
*as recorded in the County*  
*Jackson County*

This certificate is issued to confirm a change in point of diversion approved  
 by an order of the WRD entered *MARCH 25, 1974* and together with certificate  
 of water right recorded on Page *42160*, Volume *34*, SRWRC supersedes  
 certificate of water right recorded on Page *40379*, Volume *32*, SRWRC.

The issuance of this superseding certificate does not confirm the status of  
 the water right in reference to ORS 540.610.

*C-48012*



~~6.9 acres in N $\frac{1}{2}$  NE $\frac{1}{4}$~~   
~~Section 15~~  
T. 35 S., R. 4 W., W. M.

being within the following described tract:

Beginning at point on the North line of Section 15, T. 35 S., R. 4 W., W. M., which is 708 feet West of the NE Corner thereof; thence South 419.5 feet; thence North 83 degrees 15 minutes West to the center of Evans Creek; thence in a Northeasterly direction along said Creek to the North line of Section 15; thence East to the point of beginning.

An order of the State Engineer entered December 19, 1973, approves a change in point of diversion for the irrigation of 24.8 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to Paul S. Seeley and recorded at page 36817, State Record of Water Right Certificates.

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 date May 24, 19 74

Chris L. Wheeler  
State Engineer



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That PAUL S. SEELEY

of 1834 S. W. Vista Avenue, Portland, State of Oregon, has a right  
to the use of the waters of Evans Creek

a tributary of Rogue River <sup>65.0</sup>  
domestic, stock and irrigation of ~~74.5~~ acres for the purpose of  
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 16, at page 523; that the priority of the right thereby  
confirmed dates from 1902

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 ~~1.24~~ cubic feet per  
second

(  $\frac{1}{60}^{th}$  )

1.08

The point of diversion is located in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 11, T. 35 S., R. 4 W., W. M.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

~~9.5 acres in Lot 6~~  
~~(SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, and~~  
~~SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22)~~  
20.5 acres in Lot 10  
(SW $\frac{1}{4}$  SW $\frac{1}{4}$  and SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 15)  
4.3 acres in Lot 11  
(NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15)  
8.4 acres in Lot 13  
(SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15)  
10.0 acres in Lot 14  
(NE $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 22)  
5.9 acres in Lot 15  
(NW $\frac{1}{4}$ , Section 22)  
7.0 acres in Lot 16  
(S $\frac{1}{2}$  NW $\frac{1}{4}$ , Section 22)  
2.0 acres in that part of  
Lot 19 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22)

8.  
9.5  
2.9  
6.6

South of a line 440 feet South of and parallel to the North line of said Lot 19.

All above Lot designations are in Pleasant Valley Farm Tracts, as designated,  
numbered and described on the official plat thereof now on record in the office  
of the County Clerk of Jackson County.



6.9 acres in N $\frac{1}{2}$  NE $\frac{1}{4}$   
Section 15  
T. 35 S., R. 4 W., W. M.  
being within the following described  
tract:

Beginning at a point on the North line of Section 15, T. 35 S., R. 4 W., W. M.  
which is 708 feet West of the NE Corner thereof; thence South 419.5 feet; thence  
North 83° 15' West to the center of Evans Creek; thence in a Northeasterly  
direction along said Creek to the North line of Section 15; thence East to the  
point of beginning.

An order of the State Engineer entered March 22 1974, approved <sup>d</sup> a change  
in pt. of Div. for the irrigation of 9.5 acres. This certificate is  
issued to confirm the remaining right and supersedes the certificate heretofore  
issued to Paul S. Seeley and recorded at page 36817, State Record  
of Water Right Certificates. Vol. 28

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 date July 6, 1970.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 28, page 36817



BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION  
OF JOHN D. AND RUTH V. BOYD FOR  
THE APPROVAL OF A CHANGE IN POINT  
OF DIVERSION OF WATER FROM EVANS  
CREEK  
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ORDER APPROVING  
TRANSFER NO. 2750

On January 17, 1973, John D. and Ruth V. Boyd filed an application in the office of the State Engineer for the 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 Paul S. Seeley for the use of the waters of Evans Creek for the irrigation of, among other lands, 2.9 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, and 6.6 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, Township 35 South, Range 4 West, W.M., with a date of priority of 1902, as evidenced by certificate of water right recorded at page 36817, Volume 28, State Record of Water Right Certificates. These lands are irrigated by means of the Vroman ditch from a point of diversion located 1200 feet North and 100 feet West from the East  $\frac{1}{4}$  corner of Section 11, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 11, Township 35 South, Range 4 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 630 feet North and 440 feet West from the East  $\frac{1}{4}$  corner of Section 21, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, Township 35 South, Range 4 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 May 8, 1973 at 9:30 a.m. The notice 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 March 14, 21, and 28, 1973. 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 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 Evans Creek, to wit:

From a point located 1200 feet North and 100 feet West from the East  $\frac{1}{4}$  corner of Section 11, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11, Township 35 South, Range 4 West, W.M.

To a point to be located 630 feet North and 440 feet West from the East  $\frac{1}{4}$  corner of Section 21, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, Township 35 South, Range 4 West, W.M.

for the irrigation of 2.9 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, and 6.6 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, Township 35 South, Range 4 West, W.M., with a date of priority of 1902, 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, 1974.

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 0.16 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 Paul S. Seeley and recorded at page 36817, Volume 28, 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 John D. and Ruth V. Boyd confirming the change in point of diversion.

Dated at Salem, Oregon, this 22nd day of March, 1974.

/s/ CHRIS L. WHEELER  
State Engineer



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

NOTICE is given hereby that John D. and Ruth V. Boyd have filed an application for the approval of a change in point of diversion of water from Evans Creek.

In the Rogue River Adjudication proceedings a water right was established in the name of Paul S. Seeley for the use of the waters of Evans Creek for the irrigation of, among other lands, 6.6 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, and 2.9 acres in SE $\frac{1}{4}$ , NE $\frac{1}{4}$  of Section 21, Township 35 South, Range 4 West, W.M., with a date of priority of 1902.

The water is conveyed to these lands by means of the Vroman Ditch from a point of diversion 1200 feet North and 100 feet West from the East  $\frac{1}{4}$  corner of Section 11, being within the SE $\frac{1}{4}$ , NE $\frac{1}{4}$  of Section 11, Township 35 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands by means of a pumping plant located at a point 530 feet North and 440 feet West from the East  $\frac{1}{4}$  corner of Section 21, being within the SE $\frac{1}{4}$ , NE $\frac{1}{4}$ , Section 21, Township 35 South, Range 4 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on May 8, 1973, 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 John D. and Ruth V. Boyd, 6381 East Evans Creek Road, Rogue River, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 7th day of March, 1973.

CHRIS L. WHEELER  
State Engineer

**Affidavit of Publication**

**RECEIVED**  
MAR 29 1973  
STATE ENGINEER  
SALEM, OREGON

State of Oregon, }  
County of Jackson } ss.

I, Evalynne D. Smith, being first duly

sworn, depose and say that I am the \_\_\_\_\_  
(OWNER, EDITOR, PUBLISHER, MANAGER)

**Principal Clerk**

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state;

that the Notice of Filing Application for a Change

Pt. of Div. - John D. Boyd, a printed  
copy of which is hereto annexed, was published in the entire issue of said newspaper  
for 3 successive and consecutive weeks in the

following issues March 14, 21, 28, 1973

(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Evalynne D. Smith

Subscribed and sworn to before me this 28th day of March, 19 73

Alta M. Lindsey  
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of October, 19 73