

2968

### STATUS OF APPLICATION

Change in point of diversion  
Date filed 2-5-74  
Date of hearing 5-28-74  
Place of hearing Melford-Courthouse  
Date of order 6-27-74 Vol. 25, page 17  
Date for application of water 10-1-75  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued FEB 1 1980 Vol. 42, page 48

### DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek  
Trib. of \_\_\_\_\_ County of Jackson  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 30.0  
Name of ditch Williams & Whalen Ditch  
Date of priority 1896  
In name of Wm. W. Williams & Wm. Waggoner  
Rogue River Adjudication, Vol. 4, page 17, Col. 1  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 16118  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

**FEES PAID**

Date	Amount	Receipt No.
2-5-74	30.00	38510
2-5-74	45.00 P.O.N.	38511
TOTAL . . .	3.44 Cert. Fee	From P.O.N.
5-14-74	1.06	41478

## FEES REFUNDED

[illegible]

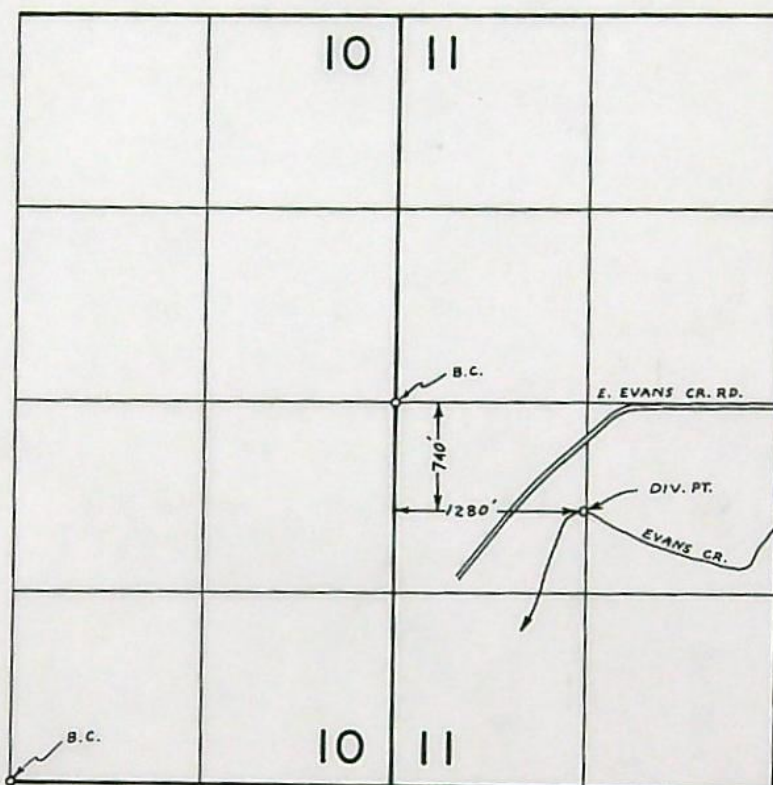
## REMARKS

See Tr 3086 p. balance of right

INDEX CARDS:	Entered	Checked
<u>WJ</u> Name	<u>✓</u>	<u>    </u>
<u>WJ</u> Stream	<u>✓</u>	<u>    </u>
<u>    </u> Pt. of Div.	<u>    </u>	<u>    </u>
<u>WJ</u> Calendar	<u>✓</u>	<u>    </u>
CHECKED TO RECORDS:		
<u>WJ</u> Twp. & Loc.	<u>✓</u>	<u>    </u>
<u>WJ</u> Decree-vault	<u>✓</u>	<u>    </u>
<u>WJ</u> Decree-safe	<u>✓</u>	<u>    </u>
<u>WJ</u> Cert. of W.R.	<u>X</u>	<u>    </u>
<u>    </u> Per. Folder	<u>    </u>	<u>    </u>
<u>    </u> Chainindex	<u>    </u>	<u>    </u>
<u>    </u> Cross Ref.	<u>    </u>	<u>    </u>
<u>    </u> Power Chain	<u>    </u>	<u>    </u>
<u>    </u> Abstracts	<u>    </u>	<u>    </u>



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



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2968

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

IN NAME OF

**RENE & MARY CHARLEBOIS**

Surveyed MAY 16 1978, by B. SUND



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

RENE AND MARY CHARLEBOIS

of 9235 E. Evans Creek Road, Rogue River, State of Oregon 97537, has  
a right to the use of the waters of Evans Creek

a tributary of Rogue River  
irrigation of ~~10.0~~ acres  
6.8

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 WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1896 -

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 0.195 cubic foot per second if available at the original point of diversion; SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, T. 35 S., R. 3 W., W.M.; Williams and Whalen Ditch - 475 feet North and 860 feet West from SE Corner Section 6

The point of diversion is located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11, T. 35 S., R. 4 W., W.M.; 740 feet South and 1280 feet East from the W $\frac{1}{4}$  Corner Section 11

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

6.8 will 12 T-6280  
~~10.0~~ acres SE $\frac{1}{4}$  NW $\frac{1}{4}$  - 3.2  
Section 11  
T. 35 S., R. 4 W., W.M.

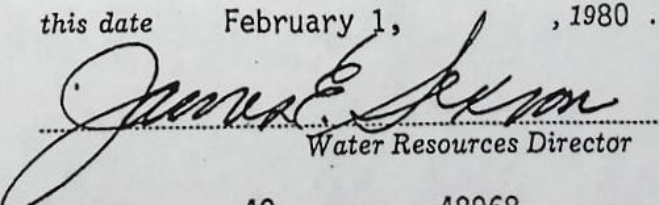
This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered June 27, 1974, and together with the order of the Water Resources Director entered June 6, 1975, approving transfer application 3086 supersedes certificate of water right recorded at page 16118, Volume 13, State Record of Water Right Certificates.

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

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 Water Resources Director, affixed

this date February 1, 1980 .

  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42, page 48968

10.0 0.195  
6.8 0.1385  
3.2 0.0602



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF CANCELLATION )  
OF PORTIONS OF WATER RIGHTS IN )  
THE NAME OF WM. W. WILLIAMS )  
AND WILLIAM WAGGONER )

O R D E R

On October 15, 1979, Rene L. and Mary A. Charlebois submitted an affidavit that they are the owners of certain water rights and the lands to which the water rights are appurtenant; that they have abandoned any and all interest in and to the said water rights and request the same be canceled.

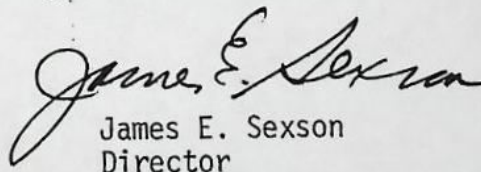
The water rights in question were established by Decree of Circuit Court for Jackson County, entered April 26, 1919, in the Matter of the Determination of the Relative Rights of the Use of the Waters of Rogue River, tabulated in the name of Wm. W. Williams and William Waggoner, at Page 17, Volume 4, Order Record of the Water Resources Director, and are portions of the rights described by the certificates respectively recorded at Pages 16117 and 16118, Volume 13, State Record of Water Right Certificates, and are for the use of not to exceed 0.01 cubic foot per second of water per each water right from Evans Creek, with dates of priority of 1896, for domestic use in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 11, Township 35 South, Range 4 West, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

An administrative order of the Water Resources Director approving transfer application No. 2968 provides for cancellation of the certificates recorded at Page 16117 and 16118, Volume 13, State Record of Water Right Certificates.

NOW, THEREFORE, it is hereby ORDERED that the said water rights, being a portion of the rights described by the prior certificates recorded at Pages 16117 and 16118, Volume 13, State Record of Water Right Certificates, are canceled.

Dated at Salem, Oregon, this 26th day of December, 1979.

  
James E. Sexson  
Director



## STATE OF OREGON

COUNTY OF JACKSON

Superseded by

Cert. No.

Spec. Or. ~~425~~ 17  
(T-2168)

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~Wm. W. Williams~~ RENE AND MARY CHARLEBOIS9235 E. EVANS CREEK ROAD  
of Rogue River

, State of Oregon 97537, has a right to the use of

the waters of Evans Creek, a tributary of Rogue River

for the purpose of irrigation of 20.0 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 1896;

SESE Sec 6 T35S R3W WM,

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 0.37 cubic foot per second. if available at the original point of diversion, Williams and Whalen Ditch - 475' N & 860' W from SE cor Sec 6

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:

20.0 acres ~~in~~ SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
Section 11,  
T. 35 S., R. 4 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 16117, Volume 13, SRWRC, NDT canceled by the provisions of an order of the WRD entered December 26, 1979 and is issued to confirm a change in point of diversion approved by an order of the WRD entered June 27, 1974 and supercedes certificate 16117.

The issuance - - - -

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 16117

C-48767

POD: NW 1/4 Sec 11 T35S R4W WM  
740' S & 1280' E from the W 1/4 cor Sec 11



## STATE OF OREGON

COUNTY OF JACKSON

Superseded by

Cert. No.

Spec. Or. V. 25, p. 17

(T-2968)

Sp. Or. V. 25, p. 372

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~William Waggoner~~ <sup>RENE AND MARY CHARLEBOIS</sup>

9235 E. EVANS CREEK ROAD

of ~~Nordhoff~~ Rogue River, State of ~~California~~ <sup>OR 97537</sup>

, has a right to the use of

the waters of Evans Creek, a tributary of Rogue River

for the purpose of irrigation of <sup>10.0</sup>~~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 1896;

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 ~~0.39~~ cubic foot per second, *if available at the original point of diversion;* <sup>0.195</sup>

SESE Sec 6 T35S R34W WM, Williams &amp; Whalen Ditch - 475' N &amp; 860' W from SE cor Sec 6

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:

10A Tr. Pt. of Div. Tr. 2968  
10A Tr. Pt. of Div. Tr. 3056

— <sup>10.0</sup>~~20~~ acres ~~in~~ SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ Section 11,  
T. 35 S., R. 4 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered June 27, 1974 and together with the order of the WRD entered June 6, 1975 approving transfer application 3086 supersedes certificate of water right recorded at page 16118 Vol. 13 SRWRC

The issuance etc

this ~~30~~ day of ~~September~~, 1949

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16118

C-48768

POD: NWSW Sec 11 T35S R4W WM  
740'S & 1280'E from the W 1/4 cor Sec 11



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF CANCELLATION )  
OF PORTIONS OF WATER RIGHTS IN )  
THE NAME OF WM. W. WILLIAMS )  
AND WILLIAM WAGGONER )

O R D E R

On October 15, 1979, Rene L. and Mary A. Charlebois submitted an affidavit that they are the owners of certain water rights and the lands to which the water rights are appurtenant; that they have abandoned any and all interest in and to the said water rights and request the same be canceled.

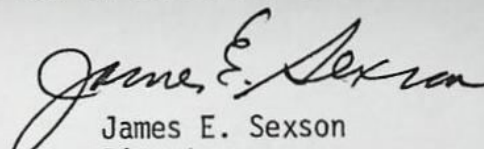
The water rights in question were established by Decree of Circuit Court for Jackson County, entered April 26, 1919, in the Matter of the Determination of the Relative Rights of the Use of the Waters of Rogue River, tabulated in the name of Wm. W. Williams and William Waggoner, at Page 17, Volume 4, Order Record of the Water Resources Director, and are portions of the rights described by the certificates respectively recorded at Pages 16117 and 16118, Volume 13, State Record of Water Right Certificates, and are for the use of not to exceed 0.01 cubic foot per second of water per each water right from Evans Creek, with dates of priority of 1896, for domestic use in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 11, Township 35 South, Range 4 West, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

An administrative order of the Water Resources Director approving transfer application No. 2968 provides for cancellation of the certificates recorded at Page 16117 and 16118, Volume 13, State Record of Water Right Certificates.

NOW, THEREFORE, it is hereby ORDERED that the said water rights, being a portion of the rights described by the prior certificates recorded at Pages 16117 and 16118, Volume 13, State Record of Water Right Certificates, are canceled.

Dated at Salem, Oregon, this 26th day of December, 1979.

  
James E. Sexson  
Director



BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION  
OF RENE AND MARY CHARLEBOIS FOR  
THE APPROVAL OF A CHANGE IN POINT  
OF DIVERSION OF WATER FROM EVANS  
CREEK

ORDER APPROVING  
TRANSFER 2968

On February 5, 1974, Rene and Mary Charlebois 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 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 Wm. W. Williams for the use of the waters of Evans Creek for the irrigation of 20.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 35 South, Range 4 West, W.M., with a date of priority of 1896, as evidenced by certificate of water right recorded at page 16117, Volume 13, State Record of Water Right Certificates, and in the name of William Waggoner for the use of the waters of Evans Creek, for the irrigation of, among other lands, 10.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 35 South, Range 4 West, W.M., with a date of priority of 1896, as evidenced by certificate of water right recorded at Page 16118, Volume 13, State Record of Water Right Certificates.

All of the lands above described are irrigated by means of the Williams and Whalen ditch from a point of diversion located 475 feet North and 860 feet West, from the Southeast corner of Section 6, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, Township 35 South, Range 3 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 930 feet South and 1900 feet East from the  $W\frac{1}{4}$  corner of Section 11, being within the  $NE\frac{1}{4}$   $SW\frac{1}{4}$ , Section 11, 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 28, 1974, at 9:30 a.m. The notice was published in the Ashland Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of April 1, 8, and 15, 1974. 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 475 feet North and 860 feet West from the Southeast corner of Section 6, being within the  $SE\frac{1}{4}$   $SE\frac{1}{4}$  of Section 6, Township 35 South, Range 3 West, W.M.

To a point to be located 930 feet South and 1900 feet East from the  $W\frac{1}{4}$  corner of Section 11, being within the  $NE\frac{1}{4}$   $SW\frac{1}{4}$  of Section 11, Township 35 South, Range 4 West, W.M.

for the irrigation of 30.0 acres in  $SE\frac{1}{4}$   $NW\frac{1}{4}$ , Section 11, Township 35 South, Range 4 West, W.M., with a date of priority of 1896, 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, 1975.

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 0.575 cubic feet 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 head gates 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 Wm. W. Williams and recorded at Page 16117, Volume 13, State Record of Water Right Certificates, is canceled, 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 Rene and Mary Charlebois confirming the change in point of diversion.

It is FURTHER ORDERED that certificate of water right heretofore issued to William Waggoner and recorded at Page 16118, 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 Rene and Mary Charlebois confirming the change in point of diversion.

Dated at Salem, Oregon, this 27th day of June, 1974.

CHRIS L. WHEELER  
State Engineer



AFFIDAVIT OF PUBLICATION

STATE OF OREGON,

County of Jackson,

ss.

I, Doris Thompson

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 Rene and Mary Charlebois have filed an application for the approval of a change in point of diversion of water from Evans Creek.

Certificate of water right issued to William Waggoner and recorded at page 16117, Volume 13, State Record of Water Right Certificates, confirms a right to the use of 0.38 cubic foot per second from Evans Creek for irrigation of 20.0 acres and for domestic and stock use; and certificate recorded at page 16118 confirms a right to 0.39 cubic foot per second from Evans Creek for irrigation of, among other lands, 10.0 acres in SE 1/4 NW 1/4, Sec. 11, T. 35 S., R. 4 W., W.M., both rights with a date of priority of 1896. Water for these uses is diverted by means of Williams and Whalen Ditch from a point located 475 feet North and 860 feet West from the SE corner of Sec. 6, being within the SE 1/4 SE 1/4, Sec. 6, T. 35 S., R. 3 W., W.M.

The applicant herein, owner of the lands above described, proposes to divert water from a point to be located 930 feet S. and 1900 ft. E. from the W 1/4 corner of Sec. 11, being within the NE 1/4 SW 1/4, Sec. 11, T. 35 S., R. 4 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on May 28, 1974 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 Rene and Mary Charlebois, 9235 E. Evans Creek Road, Rogue River, Or., 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 25th day of March, 1974.

CHRIS L. WHEELER  
State Engineer

Publish: April 1, 8, 15

RECEIVED

MAY 13 1974

STATE ENGINEER  
SALEM, OREGON

was published in the  
three, succ  
dated the 1st  
issue dated 15th.

That the price a  
That a reduction  
charitable purposes.

Subscribed and

aid newspaper once a week for  
cs, commencing with the issue  
19.74... and ending with the  
1974....

ce was \$41.56  
om the legal rate was made for

Thompson  
day of April, 1974

Notary Public for Oregon.

ires 1974



AFFIDAVIT OF PUBLICATION

STATE OF OREGON, }

County of Jackson, }

ss.

I, Doris Thompson, 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 $\frac{3}{4}$  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 Rene and Mary Charlebois have filed an application for the approval of a change in point of diversion of water from Evans Creek.

Certificate of water right issued to William Waggoner and recorded at page 16117, Volume 13, State Record of Water Right

RECEIVED

MAY 13 1974

STATE ENGINEER  
SALEM, OREGON



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 1st day of April, 1974, and ending with the issue dated 15th day of April, 1974.

That the price actually charged for this notice was \$41.56.

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

Subscribed and sworn to before me this 30th day of April, 1974.

Doris Thompson  
E. E. Egan  
Notary Public for Oregon.

(My commission expires 10-5-74)