

2552 MEAD, CARNEIRO
2562 Pleasant Cr. Rd.
Rogue River, Ore. 97537

2552

STATUS OF APPLICATION

Change in Point of Diversion
Date filed 7-29-71
Date of hearing November 28, 1972-9:30
Place of hearing Medford, Ore.
Date of order 1-25-73 Vol. 22, page 433
Date for application of water October 1, 1973 ✓
Proof mailed _____
Proof received _____
Certificate issued FEB 26 1974 Vol. 31, page 39834 RR
7-2-73 Survey
9-30-76 Vol. 35 pg. 43649

DESCRIPTION OF WATER RIGHT

Name of stream Pleasant Creek
Trib. of - County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 6⁰
Name of ditch Lower Wakeman
Date of priority 1875
In name of A.H. Quatman
Rogue River Adjudication, Vol. 4, page 17 col. 2
App. No. _____ Per. No. _____ Cert. No. 46131 **SUPERSEDED**
Certificate cancelled _____
Notation made on record by sh

FEES PAID

Date	Amount	Receipt No.
<u>7-29-71</u>	<u>25.00</u>	<u>25008</u>
<u>7-29-71</u>	<u>35.00 PON</u>	<u>25009</u>
<u>11-22-72</u>	<u>1.67 PON</u>	<u>31525</u>
TOTAL		
<u>11-22-72</u>	<u>3.00</u> <u>\$1 Cert. Fee</u>	<u>31526</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

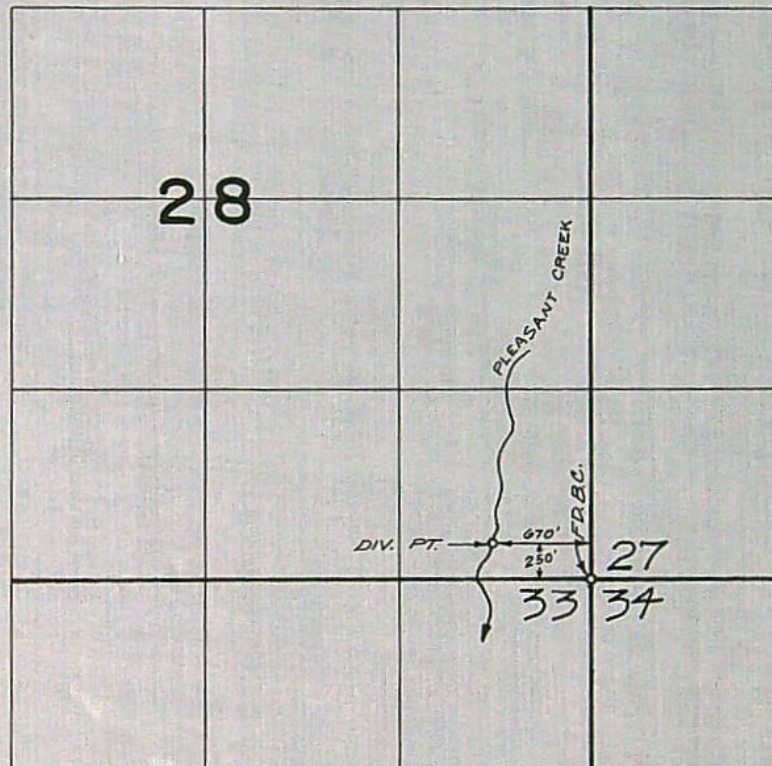
Note: Mining rights canceled by Sp. Or. Vol. 23, p. 295 entered, July 27, 1973.
Cert 39834 superseded by 40372 by court decree - see memo in file 3062 (Transfer)
6.0 acres remain for this transfer

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
✓ Name	<u>OT</u>	
✓ Stream	<u>OT</u>	
✓ Pt. of Div.	<u>OT</u>	
✓ Calendar	<u>OT</u>	
CHECKED TO RECORDS:		
✓ Twp. & Rge.	<u>OT</u>	<u>WAR</u>
✓ Decree-vault	<u>OT</u>	<u>WAR</u>
✓ Decree-safe	<u>OT</u>	<u>WAR</u>
✓ Cert. of W/R	<u>OT</u>	<u>WAR</u>
✓ Per. folder		
✓ Chainindex		
✓ Cross Ref.		
✓ Power Claim		
✓ Abstracts		

Spec. Or. Vol. 22, p. 295

Spec. Or. Vol. 23, p. 295

T. 34 S. R. 4 W. W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2552
Application No. _____ Permit No. _____
IN NAME OF

MANUEL F. & VELMA L. CARVELHO

Surveyed JULY 23 1974, by D. NORBY

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF MANUEL F. AND VELMA L. CARVELHO)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
PLEASANT CREEK)

ORDER APPROVING
TRANSFER NO. 2552

On July 29, 1971, Manuel F. and Velma L. Carvelho filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Pleasant 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 A. H. Quatman for the use of the waters of Pleasant Creek for the irrigation of, among other lands, 6.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 34 South, Range 4 West, W.M., with a date of priority of 1875. This right is evidenced by certificate recorded at page 16131, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Lower Wakeman Ditch from a point of diversion located 975 feet North and 440 feet West from the E $\frac{1}{4}$ corner of Section 28 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 34 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 400 feet North and 600 feet West from the SE corner of Section 28 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 34 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 November 28, 1972 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 October 4, 11, and 18, 1972. 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 Pleasant Creek, to-wit:

From a point located 975 feet North and 440 feet West from the E $\frac{1}{4}$ corner of Section 28 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 34 South, Range 4 West, W.M.

To a point to be located 400 feet North and 600 feet West from the SE corner of Section 28 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 34 South, Range 4 West, W.M.

for the irrigation of 6.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 34 South, Range 4 West, W.M., with a date of priority of 1875, 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, 1973.

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 0.1 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 A. H. Quatman and recorded at page 16131, 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 Manuel F. and Velma L. Carvelho confirming said change in point of diversion.

Dated at Salem, Oregon, this 25th day of January, 1973.

CHRIS L. WHEELER
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF)
THE CANCELATION)
OF A WATER RIGHT)

O R D E R

On July 12, 1973, Walter D. Sellers and Diolenda V. Sellers submitted an affidavit that they are the owners of the East $\frac{1}{2}$ NE $\frac{1}{4}$, Section 33, the W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 34 South, Range 4 West, W.M., and the water right that is appurtenant thereto; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

On July 12, 1973, Ray Zwan submitted an affidavit that he is the owner of the East $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 34 South, Range 4 West, W.M., and the water right that is appurtenant thereto; that he has abandoned any and all interest in and to said water right and requests the same to be canceled.

The water right in question is for the use of not to exceed 12.50 cubic feet per second of waters from Pleasant Creek for mining in West $\frac{1}{2}$ NW $\frac{1}{4}$, Section 34, and East $\frac{1}{2}$ NE $\frac{1}{4}$, Section 33, Township 34 South, Range 4 West, W.M., with a date of priority of 1875, and is evidenced by certificate of water right recorded at page 16131, Volume 13, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.60 cubic foot per second of the waters of Pleasant Creek for irrigation of, 8.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 5.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, 11.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, and 6.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 34 South, Range 4 West, W.M., with a date of priority of 1875, is not in question.

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

NOW, THEREFORE, it hereby is ORDERED that the right for the use of not to exceed 12.50 cubic foot per second of the waters of Pleasant Creek for mining in West $\frac{1}{2}$ NW $\frac{1}{4}$, Section 34, and East $\frac{1}{2}$ NE $\frac{1}{4}$, Section 33, Township 34 South, Range 4 West, W.M., with a date of priority of 1875, is canceled.

Dated at Salem, Oregon, this 27th day of July, 1973.

/s/

CHRIS L. WHEELER
State Engineer

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

I, Chris L. Wheeler, State Engineer of the State of Oregon, do hereby
certify that the foregoing copy of order entered the 27th day of July, 1973, and recorded
at page 295, Volume 23, Special Order Records of the State Engineer.
has been compared with the original and that it is a correct transcript therefrom and the whole of
such original order as the same appears
of record in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of
October, 19 73.

CHRIS L. WHEELER

State Engineer

By

James W. Carver, Jr.

Deputy

Affidavit of Publication

State of Oregon,

County of Jackson

ss.

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

Notice is given hereby that Manuel F. and Velma L. Carvelho have filed an application for the approval of a change in point of diversion of water from Pleasant Creek.

In the Rogue River Adjudication proceedings a water right was established in the name of A. H. Quatman for the use of the waters of Pleasant Creek for the irrigation of among other lands, 6.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 34 South, Range 4 West, W.M., with a date of priority of 1875.

These lands are irrigated by means of the Lower Wakeman Ditch from a point of diversion located 975 feet North and 440 feet West from the East $\frac{1}{4}$ corner of Section 28, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 34 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 pump to be located at a point of diversion 400 feet North and 600 feet West from the SE corner of Section 28, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 34 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 November 28, 1972 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 Manuel F. and Velma L. Carvelho, 2582 Pleasant 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.

Dated at Salem, Oregon, this 27th day of September, 1972.

CHRIS L. WHEELER
State Engineer

1. 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 in Pt. of Div. of Water - Carvelho, 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 Oct. 4, 11, 18, 1972

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

Evalynne D. Smith

Subscribed and sworn to before me this 18th day of Oct., 19 72

Alta M. Lindsey
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of October, 19 73

RECEIVED
OCT 20 1972

STATE ENGINEER
SALEM OREGON

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF)
THE CANCELATION)
OF A WATER RIGHT)

O R D E R

On July 12, 1973, Walter D. Sellers and Diolanda V. Sellers submitted an affidavit that they are the owners of the East ½ NE¼, Section 33, the W½ NW¼ NW¼, and the SW¼ NW¼, Section 34, Township 34 South, Range 4 West, W.M., and the water right that is appurtenant thereto; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

On July 12, 1973, Ray Zwan submitted an affidavit that he is the owner of the East ½ NW¼ NW¼, Section 34, Township 34 South, Range 4 West, W.M., and the water right that is appurtenant thereto; that he has abandoned any and all interest in and to said water right and requests the same to be canceled.

The water right in question is for the use of not to exceed 12.50 cubic feet per second of waters from Pleasant Creek for mining in West ½ NW¼, Section 34, and East ½ NE¼, Section 33, Township 34 South, Range 4 West, W.M., with a date of priority of 1875, and is evidenced by certificate of water right recorded at page 16131, Volume 13, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.60 cubic foot per second of the waters of Pleasant Creek for irrigation of, 8.0 acres in NW¼ NW¼, 5.0 acres in SW¼ NW¼, Section 34, 11.0 acres in NE¼ NE¼, 6.0 acres in SE¼ NE¼, Section 33, and 6.0 acres in SE¼ SE¼, Section 28, Township 34 South, Range 4 West, W.M., with a date of priority of 1875, is not in question.

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

NOW, THEREFORE, it hereby is ORDERED that the right for the use of not to exceed 12.50 cubic foot per second of the waters of Pleasant Creek for mining in West ½ NW¼, Section 34, and East ½ NEX, Section 33, Township 34 South, Range 4 West, W.M., with a date of priority of 1875, is canceled.

Dated at Salem, Oregon, this 27th day of July, 1973.

/s/ CHRIS L. WHEELER
State Engineer