

Mailed 9-22-75

Date filed 12-3-73

Date of hearing 3-26-74

Place of hearing Midford

Date of order 5-6-74 Vol. 24, page 288

Date for application of water 10-1-75

Proof mailed **APR 05 1999** **APR 21 1999**

Proof received .....

Certificate issued JUN 24 1999 Vol. \_\_\_\_\_, page 76239

2943  
2943  
~~2943~~

Trib. of \_\_\_\_\_ County of JACKSON

Use IRRIGATION

Quantity of water ..... No. of acres 35.7

Name of ditch WILLIAMS DITCH

Date of priority OCT 26, 1925

In name of George D. Williams

Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. 10436 Per. No. 7019 Cert. No. 6718

Certificate cancelled .....

Notation made on record by .....

2343 JOHN + MARILYN  
MOSBY 526 MERCURY  
ST. LOAN POE. CALIF 93936

Date	Amount	Receipt No.
12-3-73	<del>30.00</del> <del>25.00</del>	37635
12-3-73	35.00 - 5.00 CT. 56 for transfer <del>40.00</del> P.O.N.	37634
4-30-74	5.33 P.O.N.	39784
TOTAL . . .		
4-30-74	1.00 Cert. Fee	39785
5-2-74	50	39820

OK Cert

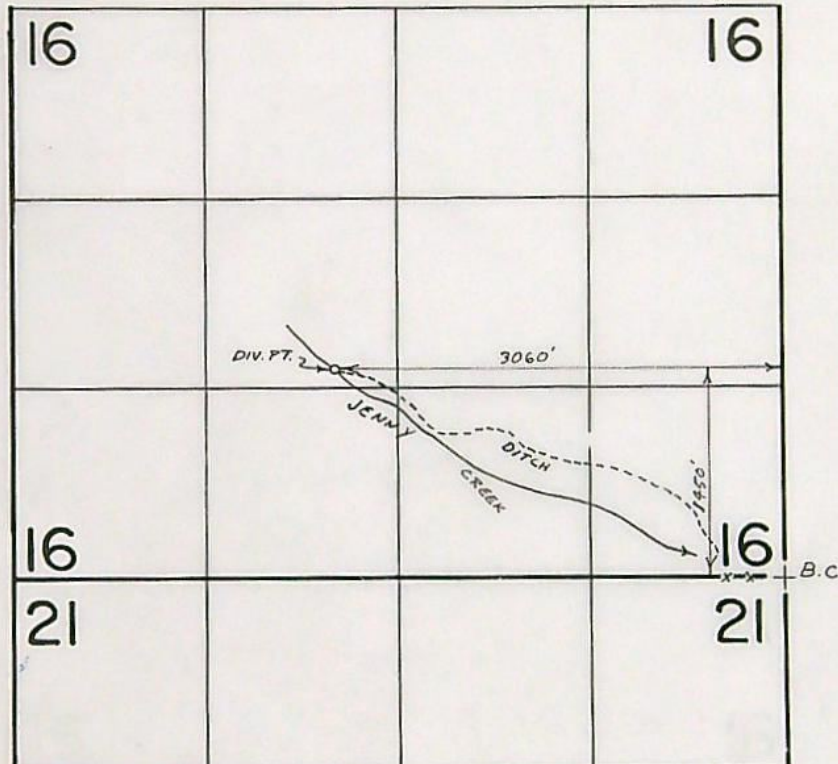
[illegible]

## REMARKS

TO BE ENTERED WHEN CHECKED	INDEX CARDS:	Entered	Checked
<u>WC</u>	Name	<u>✓</u>	<u>      </u>
<u>WC</u>	Stream	<u>✓</u>	<u>      </u>
<u>WH</u>	Pt. of Div.	<u>      </u>	<u>      </u>
<u>✓</u>	Calendar	<u>✓</u>	<u>      </u>
	CHECKED TO RECORDS:	<u>ml</u>	<u>      </u>
<u>✓</u>	Twp. & Rge.	<u>✓</u>	<u>      </u>
<u>WC</u>	Deeds-vault	<u>      </u>	<u>      </u>
<u>WC</u>	Deeds-safe	<u>✓</u>	<u>      </u>
<u>✓</u>	Cert. of W/R	<u>✓</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 Claim	<u>      </u>	<u>      </u>
<u>✓</u>	Abstracts	<u>      </u>	<u>      </u>

119 469

T. 40 S., R. 4 E., W. M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2943

Application No. .... Permit No. ....  
IN NAME OF

.....**JOHN & MARILYN MOSBY**.....

Surveyed Sept. 10, 1980, by Bruce R. Sund

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN AND MARILYN MOSBY  
P.O. BOX 1175  
LOMPOC, CA 93436

confirms the right to use the waters of JENNY CREEK, a tributary of KEENE CREEK, for IRRIGATION OF 59.7 ACRES.

This right was perfected under Permit 7019. The date of priority is OCTOBER 26, 1925. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.75 CUBIC FOOT PER SECOND(CFS): BEING 0.45 CFS AT EAST DITCH DIVERSION, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION; NW 1/4 NW 1/4, SECTION 22, TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.; WILLIAMS DITCH DIVERSION - NORTH 25 DEGREES 41 MINUTES EAST 1796 FEET FROM THE W 1/4 CORNER, SECTION 22 AND 0.30 CFS AT WILLIAMS DITCH DIVERSION or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

EAST DITCH - SE 1/4 NW 1/4, SECTION 16, TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.; 1450 FEET NORTH AND 3060 FEET WEST FROM THE SE CORNER OF SECTION 16; AND

WILLIAMS DITCH DIVERSION - NW 1/4 NW 1/4, SECTION 22, TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.; NORTH 25 DEGREES 41 MINUTES EAST 1796 FEET FROM THE W 1/4 CORNER, SECTION 22.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

WILLIAMS DITCH

NW 1/4 SW 1/4 3.0 ACRES

SW 1/4 SW 1/4 12.0 ACRES

SECTION 22

NW 1/4 NW 1/4 6.0 ACRES

SW 1/4 NW 1/4 3.0 ACRES

SECTION 27

TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

EAST DITCH

SW 1/4 SW 1/4 4.5 ACRES

SECTION 22

NW 1/4 NW 1/4 8.0 ACRES

SW 1/4 NW 1/4 3.5 ACRES

NW 1/4 SW 1/4 19.7 ACRES

SECTION 27

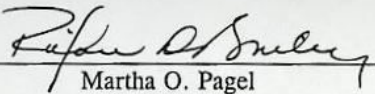
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 6718, Volume 7, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered May 6, 1974 and is issued to confirm a change in point of diversion approved by the same order and supersedes Certificate 6718.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed JUNE 24, 1999.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76239.

# STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This is to Certify, That John & Marilyn Mosby  
George D. Williams  
 PO Box 1175 Pinckney, Lompoc, State of Oregon CA 93436, has made proof  
 of to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
 Jonny Creek  
 a tributary of Keene Creek (Klamath River) for the purpose of Irrigation of 59.7 acres  
 under Permit No. 7019 of the State Engineer, and that said right to the use of said waters  
 has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
 confirmed dates from October 26, 1925;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
 aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

0.75 cubic foot per second; <sup>being 0.45 cfs at East Ditch</sup> if available at the original point of diversion; NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Sec. 22  
 T40S R4E WM, Williams Ditch - N 25° 41' E 1796' from W 1/4 cor Sec 22 and 0.30 cfs at Williams Ditch  
 The use hereunder for irrigation shall conform to such reasonable rotation system as may be  
 ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other  
 right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per  
 acre, or its equivalent in case of rotation.

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

Three (3) acres in the Northwest Quarter of the Southwest  
 Quarter (NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>), and Sixteen and Five-tenths (16.5) acres in the Southwest  
 Quarter of the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>) of Section Twenty-two (22); Fourteen  
 (14) acres in the Northwest Quarter of the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>), Six and  
 Five-tenths (6.5) acres in the Southwest Quarter of the Northwest Quarter  
 (SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>), and Nineteen and Seven-tenths (19.7) acres in the Northwest Quarter  
 of the Southwest Quarter (NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>) of Section Twenty-seven (27), Township Forty  
 South, Range Four East of the Willamette Meridian, in Jackson County, Oregon,  
 being a total of 59.7 acres.

Williams Ditch  
 3.0 acres NW SW  
 12.0 SW SW  
 Sec 22  
 6.0 NW NW  
 3.0 SW NW  
 Sec 27

East Ditch  
 4.5 acres SW SW  
 Sec 22  
 8.0 NW NW  
 3.5 SW NW  
 19.7 NW SW  
 Sec 27

T40S R4E WM

This certificate describes that portion of the water right confirmed  
 by the prior certificate recorded at page 6718, Volume 7 SRWRC, NDT  
 modified by the provisions of an order of the WRD entered  
 May 6, 1974 and is issued to confirm a change in point of  
 diversion approved by the same order and supersedes certificate  
 6718

The issuance etc

Recorded in State Record of Water Right Certificates, Volume , page .

4291B

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION  
OF JOHN AND MARILYN MOSBY FOR THE  
APPROVAL OF A CHANGE IN POINT OF  
DIVERSION OF WATER FROM JENNY CREEK

ORDER APPROVING  
TRANSFER NO. 2943

On December 3, 1973, John and Marilyn Mosby filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Jenny Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to George D. Williams and recorded at page 6718, Volume 7, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.75 cubic foot per second of water from Jenny Creek for the irrigation of, among other lands, 4.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22, 8.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 3.5 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and 19.7 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 27, Township 40 South, Range 4 East, W.M., with a date of priority of October 26, 1925. These lands are irrigated by means of the Williams ditch from a point of diversion located North 25° 41' East 1796 feet from the West  $\frac{1}{4}$  corner of Section 22, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, Township 40 South, Range 4 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands by means of the East ditch from a point of diversion to be located 1240 feet North and 2990 feet West from the Southeast corner of Section 16, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16, Township 40 South, Range 4 East, 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 March 26, 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 January 29, February 5 and 12, 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 Jenny Creek, to wit:

From a point located North  $25^{\circ} 41'$  East 1796 feet From the West  $\frac{1}{4}$  corner of Section 22, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, Township 40 South, Range 4 East, W.M.

To a point to be located 1240 feet North and 2990 feet West from the Southeast corner of Section 16, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16, Township 40 South, Range 4 East, W.M.

for the irrigation of 4.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22, 8.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 3.5 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 19.7 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 27, Township 40 South, Range 4 East, W.M., with a date of priority of October 26, 1925, 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 0.45 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 George D. Williams and recorded at page 6718, Volume 7, 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 John and Marilyn Mosby confirming the change in point of diversion and including the lands not involved herein.

Dated at Salem, Oregon, this 6th day of May, 1974.

/s/ 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 FILLING APPLICATION FOR  
A CHANGE IN POINT OF  
DIVERSION OF WATER

Notice is given hereby that John and Marilyn Mosby have filed an application for the approval of a change in point of diversion of water from Jenny Creek.

Certificate of water right issued to George D. Williams and recorded at page 6718, Volume 7, State Record of Water Right Certificates, confirms a right to the use of 0.75 cubic foot per second of water from Jenny Creek for the irrigation of, among other lands, 4.5 acres in SW 1/4 SW 1/4, Sec. 22; and 8.0 acres in NW 1/4 NW 1/4, 3.5 acres in SW 1/4 NW 1/4 19.7 acres in NW 1/4 SW 1/4, Sec. 27, T. 40 S., R. 4 E., W.M., with a date of priority of Oct. 26, 1925.

These lands are irrigated by means of the Williams Ditch from a point of diversion located North 25 degrees 41' E., 1796 ft. from the W 1/4 corner of Sec. 22, being within the NW 1/4 NW 1/4, Sec. 22, T. 40 S., R. 4 E., W.M.

The applicants herein, owners of the lands above described, proposes to irrigate these lands by means of the East Ditch from a point of diversion to be located 1240 ft. N. and 2990 ft. W. from the SE corner of Sec. 16, being within the SE 1/4 SW 1/4, Sec. 16, T. 40 S., R. 4 E., W.M.

All persons interested are notified hereby that a hearing hearing will be held at the county courthouse at Medford, Oregon, on March 26, 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 John and Marilyn Mosby, 526 Mercury St., Lompoc, Calif., 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 21st day of January, 1974.

CHRIS L. WHEELER  
State Engineer

Publish: Jan 29, Feb. 5, 12

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issue dated 12th  
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legal rate was made for

*Doris Thompson*  
of *Jan 29, 1974*  
Public for Oregon.  
(1974-75-76...)

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;



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 20th day of January, 1974, and ending with the issue dated 12th day of February, 1974.

That the price actually charged for this notice was \$40.33.

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

Subscribed and sworn to before me this 31st day of January, 1974.

Doris Thompson  
Notary Public for Oregon.

(My commission expires 12-5-74.)