

DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 172
Name of ditch Sivers ditch
Date of priority December 21, 1920
In name of Ransom Carter
_____, Adjudication, Vol. _____, page _____
App. No. 7670 Per. No. 4920 Cert. No. 4872
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
8-15-73	30.00	36127
8-15-73	35.00 P.O.D.	36128
12-27-73	594 P.O.D.	38007
TOTAL . . .	1.50	
12-27-73	Cert. Fee	38008

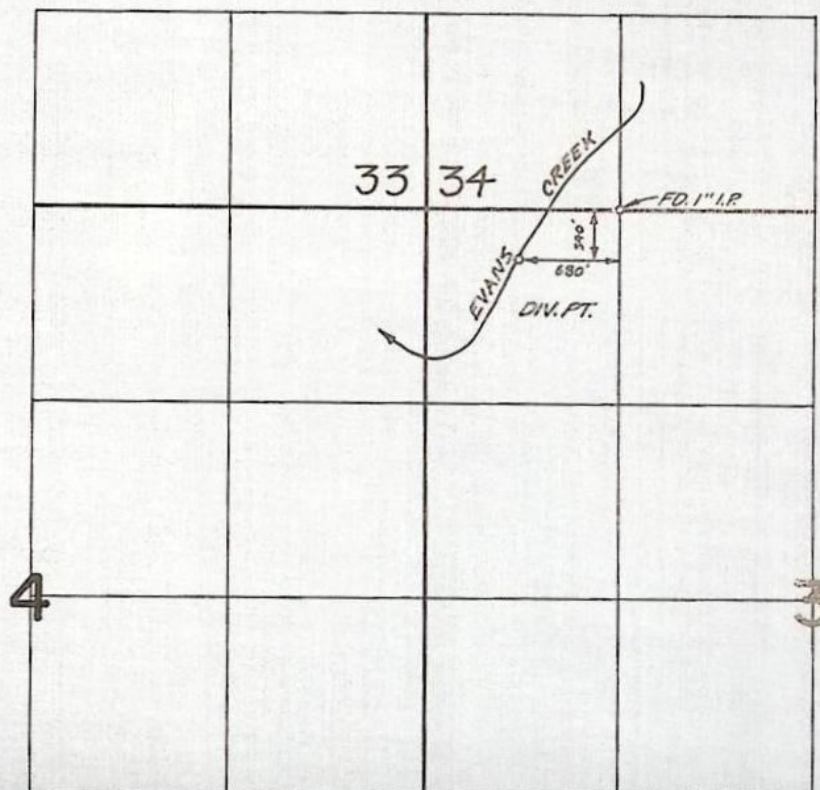
FEES REFUNDED

Date	Amount	Check No.

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

CCB

T. 35 S. R. 3 W. W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2885
Application No. _____ Permit No. _____
IN NAME OF

ROBERT A. EMBLETON

Surveyed JULY 26 1974, by D. NORBY

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF ROBERT A. EMBLETON FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM EVANS CREEK

ORDER APPROVING
TRANSFER NO. 2885

On August 15, 1973, Robert A. Embleton 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.

Certificate of water right issued to Ransom Carter and recorded at page 4872, Volume 5, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.21 cubic foot per second of water from Evans Creek for the irrigation of 15.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, and 2.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 35 South, Range 3 West, W.M., with a date of priority of December 21, 1920. These lands are irrigated by means of Sivers ditch from a point of diversion located 1740 feet North and 2480 feet East from the Southwest corner of Section 26, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 34 South, Range 3 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 50 feet South and 740 feet East from the Northwest corner of Section 3, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 35 South, Range 3 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 January 23, 1974 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 November 29, December 6 and 13, 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 1740 feet North and 2480 feet East from the Southwest corner of Section 26, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 34 South, Range 3 West, W.M.

To a point to be located 50 feet South and 740 feet East from the Northwest corner of Section 3, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 35 South, Range 3 West, W.M.

for the irrigation of 15.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, and 2.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 35 South, Range 3 West, W.M., with a date of priority of December 21, 1920, 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 0.21 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 Ransom Carter and recorded at page 4872, Volume 5, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized changes in point of diversion, a certificate of water right shall be issued to Robert A. Embleton confirming the change in point of diversion.

Dated at Salem, Oregon, this 28th day of January, 1974.

/s/ CHRIS L. WHEELER
State Engineer

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

Robert A. Embleton

This is to Certify, That *Ransom Carter*
33372 Marina Vista Drive, Dana Point, Ca
 of ~~Rogue River~~, State of ~~Oregon~~, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
 Evans Creek
 a tributary of *Rogue River* for the purpose of *irrigation 17 ac*
 under Permit No. *4920* 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 *December 21st, 1920;*

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
0.21 cubic foot per second.

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: *Two (2) acres in the Northeast Quarter of the Northeast Quarter*
~~*(NE $\frac{1}{4}$ NE $\frac{1}{4}$); of Section Four (4); and Fifteen (15) acres in the Northwest Quarter*~~
~~*of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Three (3), Township Thirty-five*~~
~~*(35) South, Range Three (3) West of the Willamette Meridian in Jackson County,*~~
~~*Oregon.*~~

Div Pt.: NWNW Sec 3 T35S R3W WM 340'S. 680'W
from the NE cor NWNW Sec 3

15 ac NWNW

Sec 3

2 ac NENE

Sec 4

T35S R3W WM

This certificate is issued to confirm a change in *pt of div* approved by an order
 of the State Engineer entered *Jan. 28, 1974*, and supersedes certificate of water
 right heretofore issued to *Ransom Carter*, and recorded at page *4872*, Volume
5, State Record of Water Right Certificates.

affixed this 1st day
 of February, 192 4.

Rhea Luper,
 State Engineer.

Recorded in State Record of Water Right Certificates, Volume 5, page 4872.

2885

RECEIVED

DEC 17 1973

STATE ENGINEER
SALEM, OREGON

Affidavit of Publication

State of Oregon, }
County of Jackson } ss.

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 - Embleton, 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 Nov. 29, Dec. 6, 13, 1973

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

Evalynne D. Smith

Subscribed and sworn to before me this 13th day of Dec., 1973

Alta M. Lindsay
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of Oct., 1977

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

Notice is given hereby that Robert A. Embleton has filed an application for the approval of a change in point of diversion of water from Evans Creek.

Certificate of water right issued to Ransom Carter and recorded at page 4872, Volume 5, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.21 cubic foot per second of waters from Evans Creek for the irrigation of, 15.0 acres in NW 1/4 NW 1/4, Section 3, and 2.0 acres in NE 1/4 NE 1/4, Section 4, Township 33 South, Range 3 West, W.M., with a date of priority of December 21 1920.

The water is conveyed to these lands by means of the Silvers Ditch from a point of diversion located 1740 feet North and 2480 feet East from the SW corner of Section 26, being within the NE 1/4 SW 1/4 of Section 26, Township 34 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands by means of a pump from a point of diversion to be located 50 feet South and 740 feet East from the NW corner of Section 3, being within the NW 1/4 NW 1/4 of Section 3, Township 35 South, Range 3 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on January 23, 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 to Robert A. Embleton, 3118 Fernwood Avenue, Apt. C, Lynwood, California 90262, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 20th day of November, 1973.

CHRIS L. WHEELER
State Engineer