

2887 Dewey M. Bagley  
12974 E. Evans C.Rd.  
Rogue River Ore 97537

2887

STATUS OF APPLICATION

Change in Point of Diversion  
Date filed August 20, 1973  
Date of hearing 1-23-74  
Place of hearing Medford  
Date of order 1-28-74 Vol. 24, page 82-84  
Date for application of water 10-1-74  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued MAY 24 1974 Vol. 32, page 40378  
JAN 18 1977 Vol 36 pg. 44081

DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek  
Trib. of \_\_\_\_\_ County of Jackson  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 5<sup>0</sup>  
Name of ditch Jesse Neathamer ditch  
Date of priority MAY 1, 1899  
In name of Jesse Neathamer  
Rogue River Supp. Adjudication, Vol. 13, page 381  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 37482  
39365  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>8-20-73</u>	<u>30.00</u>	<u>36195</u>
<u>8-20-73</u>	<u>50.00 P.O.N.</u>	<u>36196</u>
TOTAL . . .		
<u>12-28-73</u>	<u>3<sup>00</sup> Cert. Fee</u>	<u>from P.O.N.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>12-28-73</u>	<u>7.89 P.O.N.</u>	<u>5576</u>

REMARKS

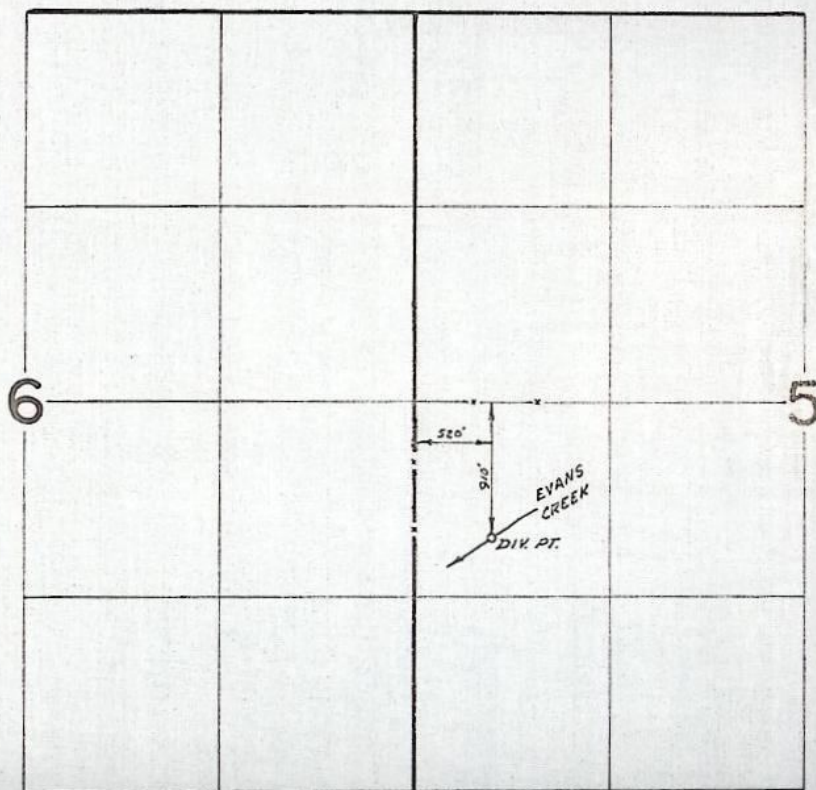
see T-2697

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>WKE</u>	_____
	<u>/</u>	Decree-vault	<u>WKE</u>	_____
	<u>/</u>	Decree-safe	<u>WKE</u>	_____
	<u>/</u>	Cert. of W/R	<u>WKE</u>	_____
	_____	Per. Folder	_____	_____
	_____	Chainindex	_____	_____
	_____	Cross Ref.	_____	_____
	_____	Power Claim	_____	_____
_____	Abstracts	_____	_____	

777



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



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2887  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

DEWEY M. BAGLEY

Surveyed May 2 1975, by D. Norby



## STATE OF OREGON

Superseded by 40378  
 Cert. No. 40378  
 Spec. Ur. V. 4 p. 8

COUNTY OF

JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

Dewey M. Bagley  
~~JESSE NEATHAMMER~~

12974 E. EVANS Creek Rd.  
 of Rogue River  
 to the use of the waters of Evans Creek

, State of Oregon 97537, has a right

a tributary of 5.0 Rogue River for the purpose of  
 irrigation of 35.0 acres ~~2.0~~  
 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 May 1, 1899

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  
0.38 cubic foot per second  
0.083

The point of diversion is located in the ~~SE 1/4~~ NW 1/4 Section 5, T. 35 S., R. 3 W., W. M.,  
~~450 feet North and 200 feet West from Center, Section 5.~~ 910' S & 520' E from the W 1/4 cor Sec 5  
 A description of the place of use under the right, and to which such right is appurtenant, is as  
 follows:

5.0 10.0 acres NW 1/4 SW 1/4  
5.2 acres SW 1/4 SW 1/4  
 Section 5

1.6 acres NE 1/4 SE 1/4  
6.0 acres SE 1/4 SE 1/4  
 Section 6

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

Ch. Pt. of Div.  
 52 ac.

Certificate of water right issued to Jesse Neathammer and recorded at page 37482,  
 Volume 29, State Record of Water Right Certificates, confirms the right to the use  
 of 35.0 acres. A change in the point of diversion for the

This certificate is issued to confirm a change in P.O.D.

approved by an order of the Water Resources Director entered Jan 28, 1974,  
 together with cert 40378

and supersedes certificate of water right issued to 39365  
 and recorded at Page \_\_\_\_\_, Volume \_\_\_\_\_, State Record of Water Right Certificates.

of use herein described.

WITNESS the signature of the State Engineer, as followsthis date September 21, 1973

Chris L. Wheeler  
 State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39365



BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION  
OF DEWEY M. BAGLEY FOR THE APPROVAL  
OF A CHANGE IN POINT OF DIVERSION  
OF WATER FROM EVANS CREEK

ORDER APPROVING  
TRANSFER NO. 2887

On August 20, 1973, Dewey M. Bagley 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 Jesse Neathammer for the use of the waters of Evans Creek for the irrigation of, among other lands, 5.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of May 1, 1899, as evidenced by certificate of water right recorded at page 37482, Volume 29, State Record of Water Right Certificates. These lands are irrigated by means of the Jesse Neathammer ditch from a point of diversion located 450 feet North and 200 feet West from the center of Section 5, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 5, Township 35 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 920 feet South and 820 feet East from the West  $\frac{1}{4}$  corner of Section 5, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, 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 28, December 5 and 12, 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 450 feet North and 200 feet West from the center of Section 5, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 5, Township 35 South, Range 3 West, W.M.

To a point to be located 920 feet South and 820 feet East from the West  $\frac{1}{4}$  corner of Section 5, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 5, Township 35 South, Range 3 West, W.M.

for the irrigation of 5.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of May 1, 1899, 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 0.083 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 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 Jesse Neathammer and recorded at page 37482, Volume 29, 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 Dewey M. Bagley confirming the change in point of diversion.

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

/s/ CHRIS L. WHEELER  
State Engineer



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That JESSE NEATHAMMER

of Rogue River, State of Oregon, has a right  
to the use of the waters of Evans Creek

a tributary of Rogue River for the purpose of  
 irrigation of ~~35.0~~ <sup>17.8</sup> 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 May 1, 1899

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 ~~0.583~~ <sup>0.297</sup> cubic foot per  
 second.

0.3

The point of diversion is located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 5, T. 35 S., R. 3 W., W. M.  
 Diversion point located: 450 feet North and 200 feet West from Center Section 5.  
 A description of the place of use under the right, and to which such right is appurtenant, is as  
 follows:

5.0 ~~10.0~~ acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
 5.2 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
 Section 5

1.6 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
 6.0 ~~18.2~~ acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
 Section 6

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

An order of the State Engineer entered Jan 28 1974, approves a change  
 in Pt. of Div. for the irrigation of 5.0 acres. This certificate is  
 issued to confirm the remaining right and supersedes the certificate heretofore  
 issued to Jesse Neathammer and recorded at page 39365, 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 March 29, 1971.CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37482  
31 39365



2887

RECEIVED

DEC 17 1973

STATE ENGINEER  
SALEM, OREGON

## Affidavit of Publication

State of Oregon, }  
County of Jackson } ss.1. Evalynne D. Smith, being first dulysworn, 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 Diversion of Water - Dewey M. Bagley, printed  
copy of which is hereto annexed, was published in the entire issue of said newspaper  
for 3 successive and consecutive weeks in thefollowing issues Nov. 28, Dec. 5, 12, 1973

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

Evalynne D. SmithSubscribed and sworn to before me this 12th day of Dec., 19 73Alta M. Lindsey  
NOTARY PUBLIC FOR OREGONMy Commission expires 16th day of Oct., 19 77NOTICE  
OF FILING APPLICATION FOR  
A CHANGE IN POINT OF  
DIVERSION OF WATER

Notice is given hereby that Dewey M. Bagley has filed an application for the approval of a change in point in diversion of water from Evans Creek.

In the Rogue River Adjudication proceedings a water right was established in the name of Jesse Neathammer for the use of the waters of Evans Creek for the irrigation of, among other lands, 5.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of May 1, 1899.The water is conveyed to these lands by means of the Jesse Neathammer Ditch from a point of diversion located 450 feet North and 200 feet West from the center corner of Section 5, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 5, Township 35 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 920 feet South and 820 feet East from the West  $\frac{1}{4}$  corner of Section 5, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 5, 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 on Dewey M. Bagley, 12974 East Evans Creek Road, Rogue River, Oregon 97537, 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 21st day of November, 1973.

CHRIS L. WHEELER  
State Engineer