

2802 Kenneth S. Tolnem
 4881 E. Evans Cr. Rd.
 Rogue River, Ore 97530

2902

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed Sept. 24, 1973
 Date of hearing 3-7-74
 Place of hearing Medford
 ✓ Date of order 3-18-74 Vol. 24, page 179-181
 Date for application of water 10-1-74
 Proof mailed _____
 Proof received _____
 Certificate issued NOV 23 1976 Vol. 36, page 43980
Survey 12/26

DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek
 Trib. of _____ County of Jackson
 Use Irrigation, Stock & Domestic
 Quantity of water _____ No. of acres 10²
 Name of ditch Williams & Whalen ditch
 Date of priority 1896
 In name of Margaret Highbanks
Rogue River Suppl- Adjudication, Vol. 13, page 384
 App. No. _____ Per. No. _____ Cert. No. 32789
 Certificate cancelled _____
 Notation made on record by mDB

FEEES PAID

Date	Amount	Receipt No.
<u>9-24-73</u>	<u>30.00</u>	<u>36744</u>
<u>9-24-73</u>	<u>45 P.O.N</u>	<u>36746</u>
TOTAL . . .		
<u>2-19-74</u>	<u>1⁵⁰ Cert. Fee</u>	<u>From P.O.N.</u>

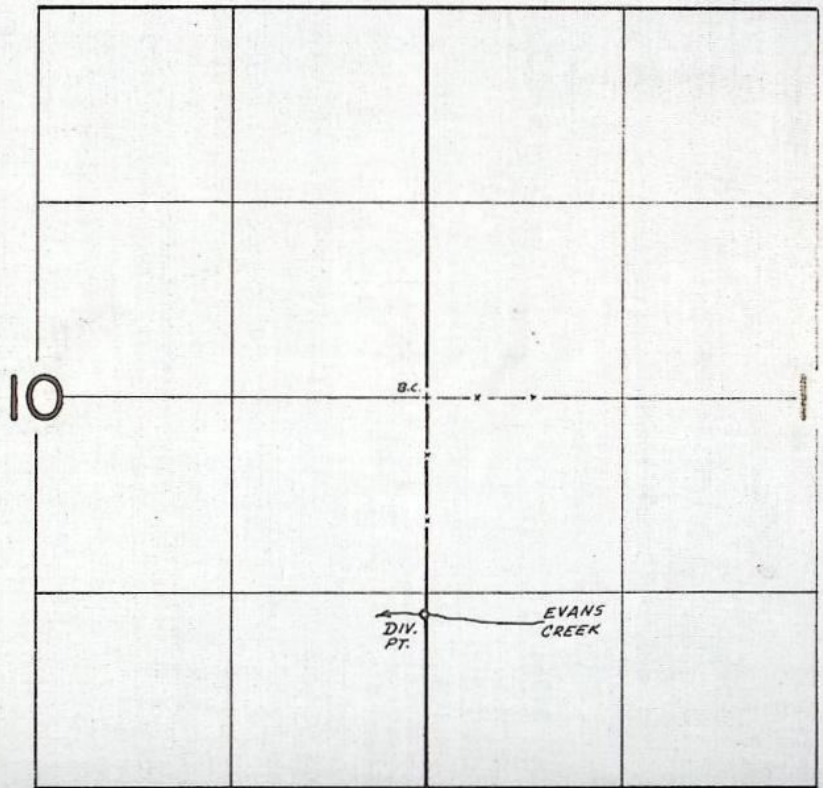
FEEES REFUNDED

Date	Amount	Check No.
<u>2-19-74</u>	<u>*10.50</u>	<u>5665</u>

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
_____ Name	<u>WH</u>	_____
_____ Stream	<u>WH</u>	_____
_____ Pt. of Div.	_____	_____
_____ Calendar	<u>WH</u>	_____
✓ _____ Twp. & Rge.	<u>WH</u>	_____
✓ _____ Decree-vault	<u>WH</u>	_____
✓ _____ Decree-safe	<u>WH</u>	_____
✓ _____ Cor. of W/R	<u>WH</u>	_____
_____ Per. Folder	_____	_____
_____ Chaindex	_____	_____
_____ Cross Ref.	_____	_____
_____ Power Claim	_____	_____
_____ Abstracts	_____	_____

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



DIV. PT. LOC: ~~1486~~ S $\frac{1}{4}$ 10' W FROM E $\frac{1}{4}$ COR SEC. 10

FINAL PROOF SURVEY
UNDER

Transfer No. 2902
Application No. _____ Permit No. _____
IN NAME OF

KENNETH S. JOCHEM

Surveyed May 6 1975, by D. Norby

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

20

Kenneth S. Jochem

This Is to Certify, That ~~MARGARET HUGHBANKS,~~
8881 East Evans Creek Rd.

of Rogue River, State of Oregon ⁹⁷³⁵⁷, has a right
to the use of the waters of Evans Creek

a tributary of Rogue River for the purpose of
domestic, stock, and irrigation of 10.0 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 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 0.17 cubic foot per
second.

The point of diversion is located in the ~~SE¹ SE¹, Section 6, T. 35 S., R. 3 W., W.M.~~
SE² SE⁴ Sec 10 T35S R4W WM, 1480'S F 10'W from the E¹/₄ cor Sec 10
A description of the place of use under the right, and to which such right is appurtenant, is as
follows:

10.0 acres in NW¹/₄ SW¹/₄
Section 11,
T. 35 S., R. 4 W., W.M.
described as follows:

Commencing at a stake 5 chains East of the quarter section corner between
Sections 10 and 11, T. 35 S., R. 4 W., W.M., Jackson County, Oregon, on the
East and West center line of Section 11, and from said beginning point thence
East 6 chains; thence South 12.90 chains to the Westerly side of the county
road; thence following the Westerly side of the county road South 39° West
9.40 chains to the SE corner of a certain 10-acre tract under contract to
one G. W. Brandon; thence North to the East line of said tract 20 chains to
the point of beginning, containing 10 acres more or less.

This certificate is issued to confirm a change in *p.o.d.*
approved by an order of the ~~Water Resources Director~~ ^{*SE*} entered *Mar 18, 1974,*
and supersedes certificate of water right issued to *above*
and recorded at Page *32789*, Volume *24*, State Record of Water Right Certificates.

CHRIS L. WILSON
State Engineer

Recorded in State Record of Water Right Certificates, Volume *24*, page *32789*

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF KENNETH S. JOCHEM FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION OF)
WATER FROM EVANS CREEK)

ORDER APPROVING
TRANSFER NO. 2902

On September 24, 1973, Kenneth S. Jochem 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 Margaret Hughbanks for the use of the waters of Evans Creek for the irrigation of 10.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 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 32789, Volume 24, State Record of Water Right Certificates. These lands 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 applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1480 feet South and 10 feet West from the West $\frac{1}{4}$ corner of Section 11, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, 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 March 7, 1974 at 9:30 a.m. The

notice was published in the Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of January 15, 22 and 29, 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, Water master 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 1480 feet South and 10 feet West from the West $\frac{1}{4}$ corner of Section 11, being within the $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Section 10, Township 35 South, Range 4 West, W.M.

for the irrigation of 10.0 acres in $NW\frac{1}{4}$ $SW\frac{1}{4}$, 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, 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 0.17 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 Margaret Hughbanks and recorded at page 32789, Volume 24, 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 Kenneth S. Jochem confirming the change in point of diversion.

Dated at Salem, Oregon, this 18th day of March, 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 FILING APPLICATION
FOR A CHANGE IN
DIVERSION OF WATER

Notice is given hereby that Kenneth S. Jochem has filed an application for the approval of a change in point of diversion of water from Evans Creek.

In the Rogue River Adjudication proceedings a water right was established in the name of Margaret Hughbanks for the use of waters of Evans Creek for irrigation, stock and domestic use on 10 acres in NW 1/4 SW 1/4, S. 11, Tp. 35 S., R. 4 W., W.M., with a date of priority of 1896.

The water is conveyed to these lands by means of Williams and Whalen ditch from a point of diversion located 475 ft. N. and 860 ft. W. from the SE corner, S. 6, being within SE 1/4 SE 1/4, S. 6, Tp. 35 S., R. 3 W., W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands by means of a point of diversion to be located 1480 ft. S. and 10 ft. W. from the W 1/4 corner S. 11, being within SE 1/4 SE 1/4, S. 10, Tp. 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 March 7, 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 Kenneth S. Jochem, 8881 E. Evans Creek Rd., 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. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 9th day of January, 1974.

CHRIS L. WHEELER
State Engineer

Publish: Jan. 15, 22, 29

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dated the ...15th.
issue dated .29th..

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January, 19 74
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public for Oregon.

(My commission expires ..10-5-74.....)

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The water is conveyed to these lands by means of Williams and Whalen ditch from a point of



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 15th day of January, 1974, and ending with the issue dated 29th day of January 1974.

That the price actually charged for this notice was \$ 33.00

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
Eileen J. Wilson

Notary Public for Oregon.

(My commission expires 10-5-74)