

2903

STATUS OF APPLICATION

Change in Point of Diversion
Date filed Sept. 24, 1973
Date of hearing 3-7-74
Place of hearing milford
Date of order 3-12-74 Vol. 24, page 120
Date for application of water 10-1-74
Proof mailed _____
Proof received _____
Certificate issued NOV 23 1976 Vol. 36, page 43981

DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek
Trib. of _____ County of Jackson
Use Irrigation, Stock & Domestic
Quantity of water _____ No. of acres 10^e
Name of ditch Williams & Whalen ditch
Date of priority 1896
In name of William E. & Amy Lange
Rogue River Suppl. Adjudication, Vol. 13, page 385
App. No. — Per. No. — Cert. No. 32791
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
9-24-73	30.00	36745
9-24-73	45.00 P.O.N.	36747
TOTAL . . .	^{\$150} Cert. Fee	From P.O.N.

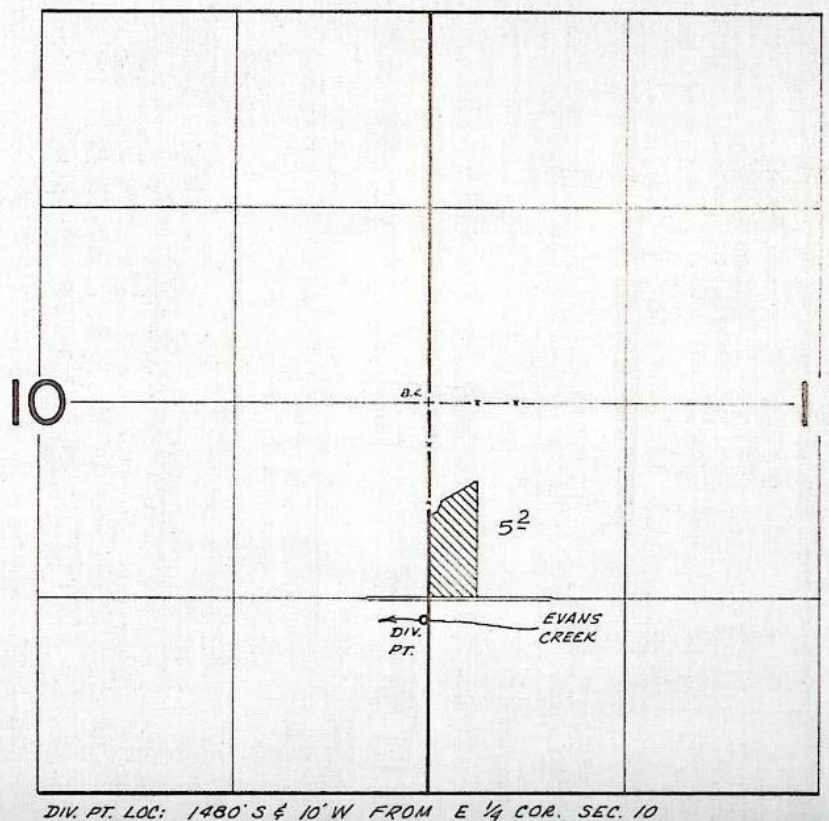
FEES REFUNDED

Date	Amount	Check No.
2-19-74	\$ 11.12 10.67 P.O.N.	5667 5666

REMARKS

TO BE ENTERED WHERE CHECKED		INDEX CARDS:	Entered	Checked
_____	Name	_____	WH	_____
_____	Stream	_____	WH	_____
_____	Pt. of Div.	_____	_____	_____
_____	Calendar	_____	WH	_____
CHECKED TO RECORDS:				
✓	Twp. & Rge.	_____	WH	_____
✓	Decree-vault	_____	WH	_____
✓	Decree-suit	_____	WH	_____
✓	Cert. of W/R	_____	WH	_____
_____	Per. & older	_____	_____	_____
_____	Chaindex	_____	_____	_____
_____	Cross Ref.	_____	_____	_____
_____	Power Claim	_____	_____	_____
_____	Abstracts	_____	_____	_____

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



DIV. PT. LOC: 1480' S & 10' W FROM E 1/4 COR. SEC. 10

FINAL PROOF SURVEY
UNDER

Transfer No. 2903
Application No. _____ Permit No. _____
IN NAME OF
ROBERT K. WALES

Surveyed May 6 1975, by D. Norby

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

Robert K. Wales
 This Is to Certify, That ~~WILLIAM E. and AMY LANGE,~~
8746 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 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 SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section ¹⁰~~X~~, T. 35 S., R. ⁴~~X~~ W., W.M.
1480'S & 10'W from the E/4 cor of 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 NW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 11,
 T. 35 S., R. 4 W., W.M.

described as follows:

Commencing at the quarter corner between Sections 10 and 11, T. 35 S., R. 4 W., W.M.; thence running South 20 chains; thence East 5 chains; thence North 20 chains; thence West 5 chains to the place of beginning, containing 10 acres.

This certificate is issued to confirm a change in SE P.O.D.
 approved by an order of the ~~Water Resources Director~~ entered Mar 12, 1974,
 and supersedes certificate of water right issued to above
 and recorded at Page 32791, Volume 24, State Record of Water Right Certificates.

WITNESS the signature of the State Engineer, *affixed*this date January 5, 1966.CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32791

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

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

ORDER APPROVING
TRANSFER NO. 2903

On September 24, 1973, Robert K. Wales 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 William E. and Amy Lange 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 32791, 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 1:00 p.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, 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 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 William E. and Amy Lange and recorded at page 32791, 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 Robert K. Wales confirming the change in point of diversion.

Dated at Salem, Oregon, this 12th 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 POINT OF DIVERSION OF WATER

Notice is given hereby that Robert K. Wales 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 William E. And Amy Lange for 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 of 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., 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 1:00 p.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 Robert K. Wales, 8746 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 after 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... d
issue dated ...29th.

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charitable purposes.

Subscribed and sworn

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Doris Thompson
f. *January 19 74*
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public for Oregon.

(My commission expires ... 1-5-74 ...)

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,

County of Jackson,

I, Doris Thomps

that I am the printer of the
circulation, printed and put
that such newspaper is ma
17 3/4 inches in depth, or if
of type matter; that said n
for at least one year imme
notice, and has more than
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ASHLAND
MEDFORD
2121 So. Pac. Hwy.
Across From Bi-Mart
482-
779-
SS.

LES SCHWAB LITHO

Now in Progress
At...

3-Days
3-Lines
\$ 1
(3 lines =
approx. 15
words)
DAILY TIDINGS
482-3456

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 \$ 32.38.

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

Subscribed and sworn to before me this 31st day of February 1974

Notary Public for Oregon.

(My commission expires 10-5-74)