

2673 MARK A. Shipley
P.O. Box 231
Prospect, Ore. 97536

2673

STATUS OF APPLICATION

Change in Character of Use
Date filed July 17, 1972
Date returned for further data _____
Date application completed _____
Notice for publication mailed _____
Date notice published _____
Date of hearing _____
Place of hearing _____
Date of order 1-3-73 Vol. 22, page 372
Date of application of water October 1, 1973
Proof mailed _____
Proof received _____
Certificate issued FEB 4 1975 Vol. 33, page 41599

DESCRIPTION OF WATER RIGHT

Name of stream Evergreen Spring
Trib. of Reggie River County of Jackson
Use Stock
Quantity of water 2.01 cfs No. of acres _____
Name of ditch _____
Date of priority July 16, 1956
In name of Ruth B. Dey & Ella Ann Gillespie
_____ Adjudication, Vol. _____, Page _____
App. No. 30933 Per No. 24345 Cert. No. 31869
Certificate cancelled _____
Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>7/17/72</u>	<u>15.00</u>	<u>29738</u>
<u>9-1-72</u>	<u>10.00</u>	<u>30492</u>
<u>9-1-72</u>	<u>40.00 PON</u>	<u>30493</u>
Total	<u>\$1.50</u>	
<u>11-24-72</u>	<u>\$1 Cert. Fee</u>	<u>From Pub. Not.</u>

FEEES REFUNDED

Date	Amount	Check No.
<u>11-24-72</u>	<u>\$6.11 Pub. Not.</u>	

REMARKS

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHEN CHECKED	1		
	2		
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	4		
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TO RECORDS:			
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1000

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

Gary Garrison
Mark A. Shiley

This Is to Certify, That RUTH B. DEY AND ELLA ANN GILLESPIE and
~~641 Van Ness Court Upland~~ *Calif. 91786*
of ~~Star Route, Box 230, Prospect~~ *Calif. 91786*, State of ~~Oregon~~ *Calif.*, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Evergreen Spring

a tributary of Rogue River
domestic use for ~~2~~ *3* families and ~~stock~~

for the purpose of

under Permit No. 24345 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 July 16, 1956

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
0.01 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, T. 33 S., R. 2 E., W. M.

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 _____ of one cubic foot per second
per acre,

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

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

~~Stock~~
~~Water~~
~~Domestic~~
SE $\frac{1}{4}$ -SW $\frac{1}{4}$
Section 17
T. 33 S., R. 2 E., W. M.

This certificate is issued to confirm a change in use & place of use approved by an order
of the State Engineer entered Jan. 3, 1973, and supersedes certificate of water
right issued to Ruth B Dey & Ella Ann Gillespie and recorded at page 31869, Volume 27,
State Record of Water Right Certificates.

WITNESS the signature of the State Engineer, affixed

this date. FEBRUARY 25 1965

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page 31869

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF MARK A. SHIPLEY FOR THE)
APPROVAL OF A CHANGE IN USE OF)
WATER FROM EVERGREEN SPRING)

ORDER APPROVING
TRANSFER NO. 2673

On July 17, 1972, Mark A. Shipley filed an application in the office of the State Engineer for the approval of a change in use of water from Evergreen Spring, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Ruth B. Dey and Ella Ann Gillespie and recorded at page 31869, Volume 23, State Record of Water Right Certificates, confirms the right to the use of 0.01 cubic foot per second of the waters of Evergreen Spring for domestic use for two families in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and stock use in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 33 South, Range 2 East, W.M., with a date of priority of July 16, 1956.

The applicant herein, owner of the lands on which use of water for stock is made, proposes to change the use heretofore made for stock to domestic use for one family in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 33 South, Range 2 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 use of water, if any there were, namely: at the county courthouse in Medford, Oregon, on January 3, 1973, 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 8, 15, and 22, 1972. 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 use of water may be made

without injury to existing rights.

No objections having been filed and it appearing that the proposed change in use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in use of 0.01 cubic foot per second of waters of Evergreen Spring from domestic use of two families in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and stock use in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 33 South, Range 2 East, W.M., to domestic use for three families in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 33 South, Range 2 East, W.M., with a date of priority of July 16, 1956, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

It is FURTHER ORDERED that certificate of water right heretofore issued to Ruth B. Dey and Ella Ann Gillespie and recorded at page 31869, Volume 23, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate shall be issued to Ruth B. Dey and Ella Ann Gillespie and Mark A. Shipley confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 3rd day of January, 1973.

CHRIS L. WHEELER
State Engineer

RECEIVED
NOV 24 1972
STATE ENGINEER
SALEM, OREGON

Affidavit of Publication

NOTICE OF FILING APPLICATION FOR A CHANGE IN USE OF WATER

Notice is given hereby that Mark A. Shipley has filed an application for the approval of a change in use of water from Evergreen Spring.

Certificate of water right issued to Ruth B. Day and Ella Ann Gillespie and recorded at page 31269, Volume 23, State Record of Water Right Certificates, confirms a right to the use of 0.01 cubic foot per second of water from Evergreen Spring for the domestic use for two houses in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, and stock use in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 17, Township 23 South, Range 2 East, W.M., with a date of priority of July 16, 1956.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made of water to domestic use for three houses in SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 17, Township 23 South, Range 2 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on January 3, 1973, 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 Mark A. Shipley, P. O. Box 231, Prospect, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 1st day of November, 1972.

CHRIS L. WHEELER
State Engineer

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 use of Water - Shipley, 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. 8, 15, 22, 1972

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

Evalynne D. Smith

Subscribed and sworn to before me this 22nd day of Nov., 1972

Alta M. Lindsey
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of October, 1973