

2697

Rogue River, Dec. 92530

2697

## STATUS OF APPLICATION

Change in Point of Diversion  
 Date filed Sept. 6, 1972  
 Date of hearing Feb. 1, 1973  
 Place of hearing Medford  
 Date of order April 23, 1973 Vol. 23, page 147  
 Date for application of water October 1, 1973  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued SEP 21 1973 Vol. 31, page 39365  
JAN 18 1977 Vol. 36 pg. 44077

## DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek  
 Trib. of \_\_\_\_\_ County of Jackson  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 12<sup>2</sup>  
 Name of ditch Jesse Neathammer ditch  
 Date of priority May 1, 1899  
 In name of Jesse Neathammer  
Rogue River Supplemental Adjudication, Vol. 13, page 381  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 37482  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

DVA Notification

## FEES PAID

Date	Amount	Receipt No.
9-6-72	25.00	30540
9-6-72	40.00 P.O.N.	30541
TOTAL . . .		
12-28-72	2.72 Cert. Fee	From Pub. g. Int

## FEES REFUNDED

Date	Amount	Check No.

## REMARKS

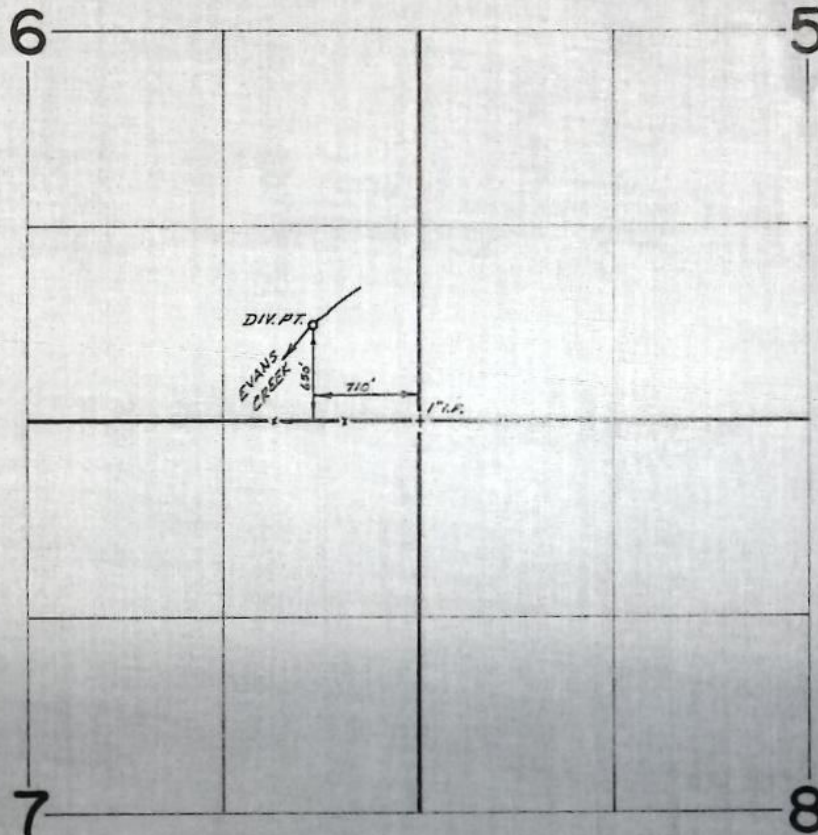
Sent proof 11-29-76

See T-2887

INDEX CARDS:		Entered	Checked
✓	Name	OT	___
✓	Stream	OT	___
✓	Pt. of Div.	OT	___
✓	Calendar	OT	___
CHECKED TO RECORDS:			
✓	Typ. & Age.	OT	___
✓	Decree vault	OT	___
✓	Decree sale	OT	___
✓	Cert. of W/R	OT	___
___	Per. folder	___	___
___	Chainindex	___	___
___	Cross Ref.	___	___
___	Power Claim	___	___
___	Abstracts	___	___



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



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2697  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

WILLIAM L. AND DOLORES M. TAYLOR

Surveyed May 2 1975, by D. Norby



## 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 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 cubic foot per  
second.

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:

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.

Certificate of water right issued to Jesse Neathammer and recorded at page 32774,  
Volume 24, State Record of Water Right Certificates, confirms the right to the  
use of water for irrigation of 39.0 acres. A change in the right to the use of  
water appurtenant to 4.0 acres was approved by order of the State Engineer entered  
February 23, 1971. This certificate is issued to confirm the remaining right to  
the use of water for irrigation and supersedes the certificate heretofore issued  
to Jesse Neathammer.

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



BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF WILLIAM L. AND DOLORES M. TAYLOR )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
EVANS CREEK )  
----- )

ORDER APPROVING  
TRANSFER NO. 2697

On September 6, 1972, William L. and Dolores M. Taylor 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, 12.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, 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 applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 690 feet North and 600 feet West from the SE 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.



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 February 1, 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 December 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 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 690 feet North and 600 feet West from the SE 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.

for the irrigation of 12.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, 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, 1973.





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 0.20 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 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 William L. and Dolores M. Taylor confirming the change in point of diversion.

Dated at Salem, Oregon, this 23rd day of April, 1973.

/s/ CHRIS L. WHEELER  
State Engineer

