2514

### STATUS OF APPLICATION

Change in place afuse - pt of div	
Date filed April 29 1971	
Date of hearing August 16,1979  Place of hearing Medford	
Place of hearing Medford	
Date of order 8-31-79 Vol. 32 , page 35	26
Date for application of water $10-1-80$	
Proof mailed	
Proof received JAN 21 1980 Vol. 42 , page	40084
Certificate issued Vol. 42 page	40074
JUN @ 1986 49	54494
	4 .
Surveyed 2/19/36	

### DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek
Trib. of County of Jeckson
Use
Quantity of water
Name of ditch
Date of priority
In name of Eugene Mars
Roque River Adjudication, Vol. 13, page 381
App. No. Per. No. Cert. No. 45664
Certificate cancelled
Notation made on record by

## FEES PAID

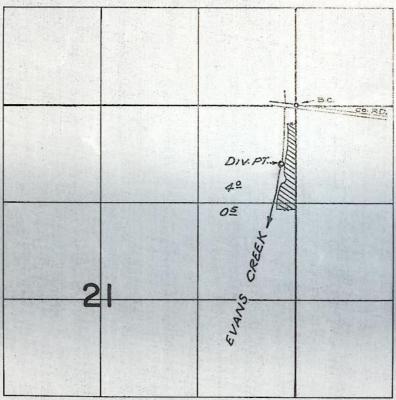
Date	Amount	Receipt No.
4-29-71	30.00	23427
4-29-71	35.00 PON	234-28
TOTAL		
	\$Cert. Fee	
medford mail	ribune \$28.09 po	18/10/19 CK#3573
. 1	FEES REFUNDER	)
Date	Amount	Check No.

INDEX CARDS: Filtered Checked

Name
Stream
Pt. of Div.
Calendar
CHECKED TO RECORDS:
Twp. & Ege.
Decree-vault
Decree-vault
Decree-vault
Per. Folder
Chaindex
Cross Ref.
Power Claim
Abstracts

## REMARKS

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



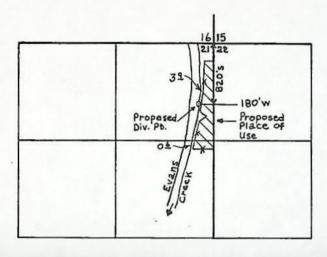
DIV. PT. LOC: 780' S. & 200'W. FROM N.E. COR. SEC. 21

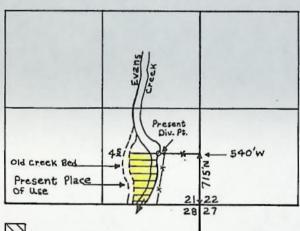
# FINAL PROOF SURVEY

TRANSFER N Application No.	o. 25/4
EUGENE L. ¢	ETHEL A. MARS

Surveyed JUNE 12, 1974, by R. MUCKEN

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

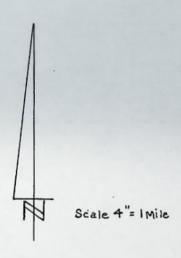




Proposed Place of Use

Present Place of Use

Map to accompany application for change in place of use + point of diversion in the name of E.L. + E.A. Mars



REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN: POD
POU

RECEIVED MAR 1 1 1986 Add'I POD WATER RESOURCES DEPT SALEM, QREGON

Tra	nsfer NO. 25	14	_		County _	JACKSON
01d	Certificate	NO. 456	64			
1.	Name Eugene	L. & Eth	el A. Mars			
				Rogue River, OR 975	37	
2.	Source of Su	pply	Evans Cree	k	, Trib of	Rogue River
3.	Use ir	rigation		1		
4.	Amount of Wa	ter 0	.08 cfs	Prior	ity Date 1902	*
5.	Proposed Poi	nt of Div	ersion 78	0 ft S & 180 ft W fr	com the NE Corne	er of Sec 21,
	wi	thin NE4	NE <sup>1</sup> 4, Sec 21	, T 35S, R 4W, WM		
6.	Completion D	ate	COMPLETE		٦	
7.	Place of Use					
	Township	Range	Section	Forty Acre Tract	Use for Which Transfer Mad	
	358	4W	21	NE NE	4.0 ac	
				SE NE	0.5 ac	
	***************************************				* ***	-

\* LSE 38-11-5 CREEKS; NOUDERNY complete 1416 2/19/84 2012

INFO: NEW OWNERS -- DAN & DIANE KEWISH, 5985 E. EVANS CR.KD.,
ROGUE KIVEK, OR. 97537, PH. 582-0364.
DAN KEWISH EXPLAINED SYSTEM.

SOURCE: EVANS CREEK

SYSTEM; PUMP DIRECT FROM CREEK. 300' MAIN LINE FROM

CREEK DINTOFIELD, THEN THROUGH IN DIRMETER WHEEK LINE

W. SPRINKLERS

DIVERSION: PUMP DIRECT FROM POOL IN CREEK

P & M. : BERKELEY, CENT. 3" X 212"

CENTURY ELECT. 15HP @ 3500 RPM

151 - UNK. (OWNER THINKS 50 PSI, BUT INT SURE)

FAVIMENT: 1320' 4" PLUM. LINE (WHEEL LINE)

34 RB 7/32 XO

MAX USE = ALL

LIFT: 4' SUCTION (6.4)(15) = 0.76 cfs 0 = 0.5 charge

USE: HAY, PASTURE 450

TIE; 41029-179-108K MONT; 16 15 JA.CO.

BY L. M. JOACHIMS, ENG. TECH. less 45 80

REWISH STATES THIS POD IN USE WHEN HE PURCHASED PROPERTY

IN 1981. HE REPLACED MARS' EQUIPMENT WITH NEW

PUMP & WHEEL LINE

# RECEIVED

MAR 1 1 1986 WATER RESOURCES DEPT SALEM, CREGON 35 KEWISH, DAN & DIANE

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

pump is ejactly T.35.

Pump kenish I.

same

1.11 DIV. PT. LOC: 780' S. & 200'W. FROM N.E. COR. SEC. 21

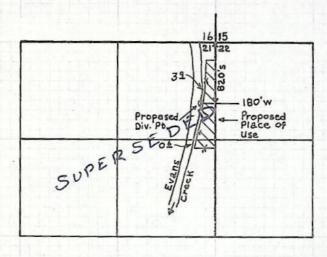
## FINAL PROOF SURVEY UNDER

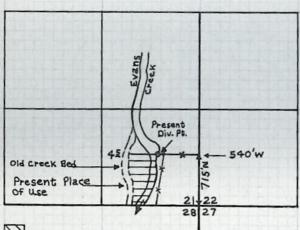
Application No. 25/4
Application No. Permit No. IN NAME OF

EUGENE LE ETHEL A. MARS

Surveyed JUNE 12, 1974, by R. MUCKEN

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

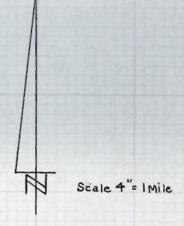




Proposed Place of Use

Present Place of Use

Map to accompany application for change in place of use \* point of diversion in the name of E.L. \* E.A. Mars



T#2514

## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

EUGENE L. MARS

of Route 1 Box 233, Roque River a right to the use of the waters of Evans Creek

, State of Oregon 97537

, has

a tributary of Roque River irrigation of 20.0 acres

for the purpose of

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 WATER RESOURCES DIRECTOR, in Volume 16, at page 523; that the priority of the right thereby confirmed dates from 1902

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 0.33 cubic foot per second

The point of diversion is located in the  $SE^1_4$   $SE^1_4$ , Section 21, T. 35 S., R. 4 W., W.M., 715 feet North and 540 feet West from the SE Corner, Section 21

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

(20.0 acres in Lot 1 Pleasant Valley Farms Tracts)
9.3 acres SEW SEW
Section 21

10.7 acres SW4 SW4 Section 22 T. 35 S., R. 4 W., W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 45664, Volume 38, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered August 31, 1979, approving transfer application No. 2514

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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 Water Resources Director, affixed

this date January 21

, 1980 .

Vater Resources Director

Recorded in State Record of Water Right Certificates, Volume 42

, page 48874

#### BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

#### JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )
OF EUGENE L. & ETHEL A. MARS FOR )
APPROVAL OF CHANGES IN PLACE OF )
USE & POINT OF DIVERSION OF WATER)

ORDER APPROVING TRANSFER NO. 2514

On Apirl 29, 1971, an application was filed in the office of the Water Resources Director by Eugene L. and Ethel A. Mars for approval of changes in place of use and point of diversion, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 45664, Volume 38, State Record of Water Right Certificates, in the name of Eugene Mars, describes a right which includes the use of not to exceed 0.08 cubic foot per second from Evans Creek for irrigation of a certain 4.5 acres in SE¼ SE¼ of Section 21, Township 35 South, Range 4 West, W.M., with a date of priority of 1902.

The authorized point of diversion for said right is located 715 feet South and 540 feet West from the Southeast Corner of Section 21, being within the SE¼ SE¼ of Section 21, Township 35 South, Range 4 West, W.M.

The applicants herein propose to change the place of use and point of diversion therefrom, without loss of priority, and to irrigate in lieu thereof a certain 4.0 acres in NE¼ NE¼ and 0.5 acre in SE¼ NE¾ of said Section 21, from a new point of diversion located 780 feet South and 180 feet West from the Northeast Corner of Section 21, being within the NE¼ NE¾ of said Section 21.

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of June 21 and 28 and July 5, 1979.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

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 under the subject right, and shall not exceed 0.08 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment 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.

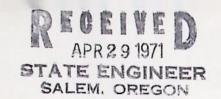
It is FURTHER ORDERED that NO time need be fixed for completion as the changes in place of use and point of diversion are completed.

It is FURTHER ORDERED that the certificate recorded at page 45664, Volume 38, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

James E. Director

Dated at Salem, Oregon this 31st day of August, 1979.

Volume 32, page 357



Properties involved sold on contract to Dan Kewish ; Diane Kewish from Mars

Contract from Heer to Mars paid off.

OWC 6-14-79

# Application for Transfer of Water Right

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To the	STAT	E EN	GINE	ER OF	ORI	EGON	Γ:											
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and	chang	e in	n pl	ace	of l	ISE.	ersion; p	lace of u	ise; use h	eretofo	re made	of the v	vater)					
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	2. The			*						igat	tion	•						
5	3. The	name	of the	ditch	. cana	al or r	oine li	ne is										
	f. The																	
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of Sect	ion2	21	Тр.	.35 (No. N	S. or S.)	R	4 W.	W	. M., i	n the	Coun	ty of	**********	Jac	kson	1.		
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20			NE34	NW14	SW14	SE14	NE14	NW34	SW34	SE14	NE%	NW1/4	SW1/4	SE14	NE¼	NW14	SW14	Lot 1
35 S	4 W	21																4.5
	-																	
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6	3. Are	you th	e lega	l own	er of	the ab	oove d	escrib	ed lar	nds? .	Υe	s.	f not ow	ner, exp	lain your	interest	) )	
***************************************	•••••••••	•••••				••••••					•••••		•••••	•••••			•••••	
7	. Has	water	been	used	benef	icially	for t	he pu	rposes	indi	cated	herei	n duri	ing th	e past	5 year	s?	Yes.
8	3. Wha	t is th	e date	of pr	iority	of yo	ur wa	iter ri	ght? .			190	2.					•••••
9	. Was	your	water	right	acqu	ired b	y Sta	te En	gineer	's Pe	rmit?		No (Yes or	No)	If	so, giv	ve nu	mber

of permit .....

10.000000	or No)						-		Find				
13	3. I p	ropose	e to tra	nsfer t	the wat		t to the follo		,				
Twp.	Range	Sec.		NE 1			NW 1-4			V 1-4		SE	
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		-											
••••••	L	1	4										
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## AFFIDAVIT OF APPLICANT

STATE OF OREGON,	1
County of	SS.
first duly sworn, depose and say that I have read the	Heer , the applicant herein, being above and foregoing application for transfer of water statements therein made are true and correct to the best
In Witness Whereof, I have hereunto set my h	and this 23 day of grad , 197/ X Leslie & Hear X Dirace H. Hear
Subscribed and sworn to before me this $23$	day of 122/
[Notarial Seal]	MY COMMISSION EXPRES APRIL 15, 1978  My commission expires
Remarks	
THE POINT OF DIVERSION, PLACE OF USE AN	PANIED BY A MAP SHOWING THE LOCATION OF NO WORKS UTILIZED UNDER THE PRESENT WATER
KIGHT. THE MAY SHOULD ALSO SHOW THE	NEW POINT OF DIVERSION OR PLACE OF USE,

AS THE CASE MAY BE.

#### NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 2514

The Water Resources Director of Oregon has received and filed an application by Eugene L. & Ethel A. Mars for approval, without loss of priority, of changes in place of use & point of diversion of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 45664, Volume 38, State Record of Water Right Certificates, in the name of Eugene Mars, and is for the use of not to exceed 0.08 cubic foot per second from Evans Creek, under a priority date of 1902, for irrigation of a certain 4.5 ac in SE½ SE½ of Sec 21, T 35S, R 4W, WM.

The authorized point of diversion is located 715 ft S & 540 ft W from the SE Corner of Sec 21, being within the SE& of said Sec 21.

The applicants propose to change the place of use & point of diversion therefrom and to irrigate in lieu thereof a certain 4.0 ac in NE¼ NE¼ & 0.5 ac in SE¼ NE¼ of said Sec 21, from a new point of diversion located 780 ft S & 180 ft N from the NE Corner of Sec 21, being within the NE¼ NE¾ of said Sec 21.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, August 16, 1979, at the Jackson County Courthouse, Medford, Oregon. Any objection to the proposed changes must be prepared in writing: one copy to be served on the applicants at 2585 Queens Branch Rd, Rogue River, OR 97537; and one copy filed with the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 15th day of June, 1979.

James E. Sexson, Director

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FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 15th day of June, 1979.

James E. Sexson, Director RECEIVED

WATER RESOURCES DEPT

# Affidavit of Publication Jul - 9 1979

State of Oregon,	)		, medocine	
County of Jackson	ss.	S	ALEM, ORE	GON
Timm	Cmith			
ı. Lynn	SHITCH		, being fir	st duly
sworn, depose and say	that I am the			
Prin	cipal Clerk ER, PRINCIPAL CLERK,	PRINTER OR	PRINTER'S FOREMAN	0
of Medford Mail Tribur	ne, a newspaper of gene	eral circulation, as de	fined by ORS 1	93,010
and 193,020; printed	and published at Me	dford in the afores	aid county and	state:
that the Notic	e of Water F	light Trans	fer	
***************************************	*		a	printed
copy of which is here				C. C. Serie C. G. C.
for3	successive and cons	ecutiveWEE	KS	in the
following issuesJu	ne 21, 28, 3	July 5, 197	9	OK
(HL	RE SET FORTH DATES OF ISS	IOES IN WHICH THE SAME	WAS PUBLISHED	
	human	🔾 🗸	at V	
	a Solver	$\sim \mathcal{N}_{N}$	VV	
Subscribed and sworn t	o before me this	th day of J	uly 19	79
	James	10	Con)	
		//	PUBLIC FOR OREG	
My Commission	on expires 21st	doy of May	19	81



# NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 2514

The Water Resources Director of Oregon has received and filed an application
by Eugene L. E Ethel A. Mars for approval, without loss of priority,
of ( change(s) in POU & POD of water under a certain water right.
The affected water right is (a portion of the right) described by the
certificate recorded at page 45664, Volume 38, State Record of Water Right
Certificates, in the name of <u>Eugene Mars</u> , and is for
the use of not to exceed 0.08 cubic foot per second from Evans Creek
, under a priority date of 1902
for irr of a certain 45 ac in SE4 SE4 of
Sec. 21, T 355, R 4W, W.M.
The authorized point of diversion is located 715'S & 540'W from the
SE Cor of Sec. 21 , being within the SE#SE" of said
Sec. 21 . Charles W.M. Ditebl
The applicant proposes to change the POU & POD therefrom
(and) to irr in lieu thereof a certain 40 ac in NE4 NE4 and 05 ac in
SETNET of said Sec. 21, from a new POD Located 780'S & 180'W
from the NE Cor of Sec 21, being within the NET NET of said Sec 21.
Of Secont R, W.M.
Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thurs
Lug 16, 1979, at the Jackson County Courthouse, Medford
Oregon. Any objection to the proposed change(s) must be prepared in writing,
one copy to be served on the applicant at 2585 Queens Branch Rd., Rague River, OR
and one copy filed in the office of the Water Resources Director, Salem, Oregon,
97310, together with a \$10. filing fee, at least 10 days prior to the date set
for hearing. Rules for filing objections will be furnished upon request.
IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER
RESOURCES DIRECTOR WITHOUT A HEARING.
Dated at Salem, Oregon, this day of, 197
Director 7.84
211
Publish in Medford Mail Tribune Po Box 108
Publish in Medford Mail Tribune  Po Box 108  WE NEED HAVE WATERMASTER'S REPORT

-----Fare-3 1.4 THIS CONTRACT, Made the . 19 66 . htmm lemoster cand the wint, and Turene to and Libel A. Para . herrinalter called the buyer. WITNESSETH. That in consideration of the stipulations berein contained and the payments to be made as herrinaiter specified, the seller bereby agrees to sell to the buyer and the buyer agrees to purchase from the seller the following described real estate, situate in the County of \_ . Jackson . . . . . . State of ... Cregos . . to-wit: Lot 1 of The Flasser Viller Face Ta-CTS in Jackson County, Cregon 354W22-2000 E W HAINA for the num of Twenty five thousand and no/100 - - - - - Dollars (\$ ?),000,00 ) thereinalter called the punhase price), on account of which ... bla thousand ... Dellars (\$ 6.0.c. ) is paid on the execution hereof (the receipt of which is hereby acknowledged by the payable on the 10th day of each month bereafter befinning with the month of ... August and continuing until said purchase price is fully paid. All of said purchase price may be paid et any time; all delerred balances of said purchase price shall bear interest at the rate of . 5 . per cent per annum from ... July 18, 1966 ... until paid, interest to be paid in addition to end a line addition to the minimum monthly payments above required. Taxes on said premises for the current tex year shall be prorated between the parties bereto as of the date of this contract. The bone shad, a period to present at sufficience July 15, 1565 ... and my return such process on the party of the bone of the IN WITNESS WHEREOF, anid parties have hereunto set their hands and seals in duplicate on this, the end year first above written.

Leslie EM & (Seal) day and year first above written.

. 21-35-4W-1 OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

ACCOUNT NUMBER OFFICE OF COUNTY ASSESSOR, JACKSON COUNTY, OREGON

62-1

30 4W 21	- 100				- 11		
	SECTION2]	TOWNSHIP 35	RANGE 4W W.M.	MAP NO	21 35	4W	AERIAL PHOTO
1	LOT	BLOCK	· ·				
TAX LOT NUMBER	NO.	NO	ADDITION		cı	тү	
				DEI	D RECC	ORD	ACRES
INDENT EACH NEW COURSE TO THIS LINE	LEGA	L DESCRIPTION		YEAR	VOLUME	PAGE	REMAINING
V Cann	on, Eupha A.						
All that por Northeast qu	rtion of the North warter of sec. 21, he WM, in JCO, lyin	Twp 35 Sout	th of Range	1946	275	596	
	Cannon, Eupha A (IB Hart (Inst. in 354W22-		e D & Pauline	1946 O.R.	275 Part 66-01		-1.493
Less tax lot	354w21-101			0.R.	68-02	769 JV 68	-6229
	Mars, Eugene L & Et (Inst. in 354W22-40		· .	O.R.		913 JV 69	41176 (note)
							35 Hal 25-400
				r			
	Proposes			10			47