

2688

STATUS OF APPLICATION

Change in Point of Diversion + Place of Use
 Date filed August 11, 1972
 Date of hearing _____
 Place of hearing _____
 Date of order April 24, 1973 Vol. 23, page 154
 Date for application of water October 1, 1973
 Proof mailed _____
 Proof received _____
 Certificate issued May 2, 1980 Vol. 42, page 49185

to survey 10/10/77

DESCRIPTION OF WATER RIGHT

Name of stream Pleasant Creek
 Trib. of Evans Creek County of Jackson
 Use Irrigation
 Quantity of water _____ No. of acres 150
 Name of ditch Owens ditch
 Date of priority April 22, 1911
 In name of Charles Owens
 _____ Adjudication, Vol. _____, page _____
 App. No. 1374 Per. No. 649 Cert. No. 774
 Certificate cancelled _____
 Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>8-11-72</u>	<u>30.00</u>	<u>30175</u>
TOTAL . . .		
<u>12-28-72</u>	<u>1.50</u>	<u>From Pub. of Nat.</u>
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

REMARKS

F.P. MAP IN TRANSFER 2887
FINIS
SEE T-5590

See also 2687 & 2689

W.R.I.S.

Assembled 10/16/84 by GLH

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked	
	<input checked="" type="checkbox"/> Name	<u>st</u>		
	<input checked="" type="checkbox"/> Sec. cam	<u>st</u>		
	<input type="checkbox"/> Pl. of Div.			
	<input checked="" type="checkbox"/> Calendar	<u>st</u>		
	CHECKED TO RECORDS:			
	<input checked="" type="checkbox"/> Twp. & Rge.	<u>st</u>		
	<input type="checkbox"/> Decree-vault			
	<input type="checkbox"/> Decree-safe			
	<input checked="" type="checkbox"/> Cert. of W/R	<u>st</u>		
	<input checked="" type="checkbox"/> Per. Folder	<u>st</u>		
	<input type="checkbox"/> Chainindex			
	<input type="checkbox"/> Cross Ref.			
	<input checked="" type="checkbox"/> Power Claim			
	<input checked="" type="checkbox"/> Abstracts	<u>st</u>		

STATE OF OREGON

WATER DIVISION NO. 1

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That

LORETTA OWENS & H.A. BRUGHTON
CHARLES OWENS

of 14615 WATER GAP ROAD Woodville—WILLIAMS, State of Oregon 97544, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Pleasant Creek, a tributary of Evane Creek

land and domestic use under Permit No. 649 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 168, on the 18th day of November, 1914; that the priority of the right hereby confirmed dates from April 22, 1911; 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 0.19 cubic feet per second.

The use for irrigation purposes herein shall conform to any reasonable rotation system ordered by the proper state officer. A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

7 acres in the NE 1/4 of NE 1/4; Section Four (4), Township Thirty-five (35) South Range Four (4) West of Willamette Meridian; 8 acres in the SE 1/4 of SE 1/4; Section Thirty-three (33), Township Thirty-four (34) South Range Four (4) West of Willamette Meridian.

15.0 acres NE 1/4 NE 1/4 Section 4 T. 35 S, R. 4 W, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 774, Volume 1, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on Nov. 4, 1976, and is issued to confirm a change in place of use and point of diversion approved by an order of the WRO entered April 23, 1975. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

(SEAL OF STATE WATER BOARD)

WATER BOARD affixed this 16th day of December, 1914.

STATE WATER BOARD

By JOHN H. LEWIS State Engineer, President

Attest: M. F. MERS Secretary

Recorded in State Record of Water Right Certificates, Volume 1, Page 774

cert 49185

NEW P.O.D.: South 3/4 Section 34 T. 34 S, R. 4 W, WM 1180 feet North and 200 feet East from the SW Cor Section 34

SEE CANCELLATION ORDER

Section 33, T. 34 S, R. 4 W, WM 1000 feet Northwest from the E 1/4 Corner Section 33 OWENS DITCH

St. J. 19

100

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF LORETTA OWENS FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
AND PLACE OF USE OF WATER FROM)
PLEASANT CREEK)

ORDER APPROVING
TRANSFER No. 2688

On August 11, 1972, Loretta Owens filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from Pleasant Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Charles Owens and recorded at page 774, Volume 1, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.30 cubic feet per second of water from Pleasant Creek for the irrigation of, 7.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 35 South, Range 4 West, W.M., and 8.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 34 South, Range 4 West, W.M., with a date of priority of April 22, 1911. These lands are irrigated by means of Owens Ditch from a point of diversion located 1000 feet Northwesterly from the E $\frac{1}{4}$ corner of Section 33, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 34 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described proposes to transfer the water right therefrom, without loss of priority to 15.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 35 South, Range 4 West, W.M., and to irrigate these lands from a point of diversion to be located 1270 feet North and 200 feet East from the SW corner of Section 34, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 34 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 January 31, 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 7, 14 and 21, 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 place of use of water is approved and the water right hereinbefore described as appurtenant to 7.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 35 South, Range 4 West, W.M., and 8.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 34 South, Range 4 West, W.M., with a date of priority of April 22, 1911, be severed therefrom and simultaneously and without loss of priority transferred to 15.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 35 South, Range 4 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Pleasant Creek, to-wit:

From a point located 1000 feet northwesterly from the E $\frac{1}{4}$ corner of Section 33, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 34 South, Range 4 West, W.M.

To a point to be located 1270 feet North and 200 feet

east from the SW corner of Section 34, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 34 South, Range 4 West, W.M.

for the irrigation of 15.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 35 South, Range 4 West, W.M., with a date of priority of April 22, 1911, 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 0.30 cubic feet 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 Charles Owens and recorded at page 774, Volume 1, 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 Loretta Owens confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 24th day of April, 1973.

/s/ CHRIS L. WHEELER
State Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE PARTIAL)
CANCELLATION OF A WATER)
RIGHT IN THE NAME OF)
CHARLES OWENS)

ORDER

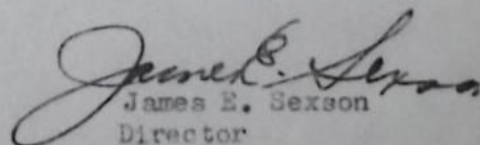
On July 9, 1973, Loretta S. Owens submitted an affidavit that she is the owner of a water right and the lands to which the right is appurtenant; that she has abandoned any and all interest in and to said water right and request the same be cancelled.

The water right in question is a portion of the right evidenced by certificate issued to Charles Owens and recorded at Page 774, Volume 1, State Record of Water Right Certificates, and is for the appropriation of water from Pleasant Creek, with a date of priority of April 22, 1911, for domestic supplies in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 35S, Range 4W, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order cancelling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right evidenced by certificate recorded at Page 774, Volume 1, State Record of Water Right Certificates, is cancelled.

Dated at Salem, Oregon, this 4th day of November, 1975.


James E. Sexson
Director

Application No. 1374

Permit No. 649

PERMIT

To appropriate the public waters of the State of Oregon

Division No. 1 District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon,

on the 22 day of April

19 11, at 8:00 o'clock A. M.

Returned to applicant for correction

Page 2-13

John H Lewis

10.25

State Engineer

STATE OF OREGON,

County of Marion

} SS.

This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions:

The appropriation for irrigation purposes shall be limited to one-tenth of one cu. ft. per sec. for each acre irrigated, balance for domestic supply.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 3/10 (0.30) cubic feet per second.

Actual construction work shall begin on or before May 6 1912 and shall thereafter be prosecuted with reasonable diligence and be completed on or before May 6 1913

Complete application of the water to the proposed use shall be made on or before May 6 1914

WITNESS my hand this 22th day of May 1911

John H Lewis

State Engineer

RECEIVED
DEC 28 1972

STATE ENGINEER
M. OREGON

Affidavit of Publication

State of Oregon, }
County of Jackson } ss.

I, 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 Appl. for Change in Pt.

& Place of Use of Water - Owens 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 Dec. 7, 14, 21, 1972

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

Evalynne D. Smith

Subscribed and sworn to before me this 21st day of Dec, 19 72

Atta M. Lindsay
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of October 19 73

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION AND PLACE OF USE OF WATER

Notice is given hereby that Loretta Owens has filed an application for the approval of a change in point of diversion and place of use of water from Pleasant Creek.

In the Rogue River Adjudication proceedings, a water right was established in the name of Charles Owens for the use of the waters of Pleasant Creek for domestic use and stock use in SW 1/4 SW 1/4 and irrigation of 10.0 acres in the SW 1/4 SW 1/4, Section 34, Township 34 South, Range 4 West, W.M., and 10.0 acres in NW 1/4 NW 1/4 of Section 3, Township 3 South, Range 4 West, W.M., with a date of priority of 1877.

These lands are irrigated through the Lower Wakeman Ditch from a point of diversion located 975 feet North and 440 West from the East 1/4 corner of Section 28, being within the SE 1/4 NE 1/4 of Section 28, Township 34 South, Range 4 West, W.M.

Certificate of water right issued to Charles Owens and recorded at page 774, Volume 1, State Record of Water Right Certificates, confirms a right to the use of the waters of Pleasant Creek for the irrigation of 1.0 acres in the NE 1/4 NE 1/4, Section 4, Township 35 South, Range 4 West, W.M., and 8.0 acres in the SE 1/4 SE 1/4, Section 33, Township 34 South, Range 4 West, W.M., with a date of priority of April 22, 1911. Water for this use is diverted from a point located 1,000 feet Northwesterly from the SE corner of NE 1/4 of Section 33, being within the SE 1/4 NE 1/4 of Section 33, Township 34 South, Range 4 West, W.M.

Certificate of water right issued to Charles Owens and recorded at page 9870, Volume 9, State Record of Water Right Certificates, confirms a right to the use of the waters of Pleasant Creek for the irrigation of 10.2 acres in the SE 1/4 SE 1/4, Section 33, and 0.8 acres in the SW 1/4 SW 1/4, Section 34, Township 34 South, Range 4 West, W.M., and 9.0 acres in the NE 1/4 NE 1/4, Section 4, Township 35 South, Range 4 West, W.M., with a date of priority of August 20, 1930. Water for this use is diverted from a point located 730 feet North and 380 feet West from the SE corner of Section 33, being within the SE 1/4 SE 1/4 of Section 33, Township 34 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use of the irrigation of 29.3 acres and irrigate these lands together with the balance of the land from a point of diversion to be located 1270 feet North and 200 feet East from the SW corner of Section 34, being within the SW 1/4 SW 1/4, Section 34, Township 34 South, Range 4 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on January 31, 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 Loretta Owens, c/o H. A. Broughton, 14615 Water Gap Road, Williams, 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 30th day of November, 1972.

CHRIS L. WHEELER
State Engineer