

# 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 158  
 Date for application of water October 1, 1973  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued May 2, 1980 Vol. 42, page 49184

7-2-73 - Survey

## REMARKS

F.I.P. MAP in Transfer # 2687  
FINIS  
SEE T-5590

# DESCRIPTION OF WATER RIGHT

Name of stream Pleasant Creek  
 Trib. of Evans Creek County of Jackson  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 20<sup>e</sup>  
 Name of ditch \_\_\_\_\_  
 Date of priority August 20, 1930  
 In name of Charles Owens  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 13569 Per. No. 9802 Cert. No. 9870  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>8-11-72</u>	<u>30.00</u>	<u>30126</u>
TOTAL . . .		
<u>12-28-72</u>	<u>\$1.50</u> Cert. Fee	<u>From Pub. g. Nat.</u>

## FEES REFUNDED

Date	Amount	Check No.

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>st</u>	
<input checked="" type="checkbox"/>	Address	<u>st</u>	
<input checked="" type="checkbox"/>	Pl. of Div.		
<input checked="" type="checkbox"/>	Catchment	<u>st</u>	
CHANGED TO RECORDS:			
<input checked="" type="checkbox"/>	Pay. of fee.	<u>st</u>	
<input checked="" type="checkbox"/>	Decree-vault		
<input checked="" 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 checked="" type="checkbox"/>	Chainindex		
<input checked="" type="checkbox"/>	Cross Ref.		
<input checked="" type="checkbox"/>	Power Claim		
<input checked="" type="checkbox"/>	Abstracts		



## STATE OF OREGON

COUNTY OF

JACKSON

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That**

LORETTA OWENS C/O H. A. BROUGHTON

of 14615 Water Gap Road, Williams, State of Oregon 97544, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Pleasant Creek

a tributary of Evans Creek  
irrigation of 20.0 acres

for the purpose of

under Permit No. 9802 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 August 20, 1930

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 0.38 cubic foot per second, if available at the original point of diversion, SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, T. 34 S., R. 4 W., W.M.; 780 feet North and 380 feet West from the SE Corner, Section 33

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, T. 34 S., R. 4 W., W.M.; 1180 feet North and 200 feet East from the SW Corner, Section 34

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 one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation

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:

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7.7 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 33

4.3 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 34  
T. 34 S. R. 4. W., W.M.

8.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 4  
T. 35 S., R. 4 W., W.M.

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the Water Resources Director entered April 24, 1973, and supersedes certificate of water right recorded at Page 9870, Volume 9, State Record of Water Right Certificates.

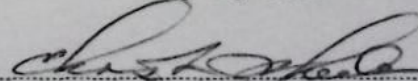
The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

SEE NEXT PAGE

*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. May 2, 1980



Deputy Water Resources Director



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 )  
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ORDER APPROVING  
TRANSFER NO. 2689

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 9870, Volume 9, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.38 cubic foot per second of water from Pleasant Creek for the irrigation of, 10.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, 0.8 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 34 South, Range 4 West, W.M., and 9.0 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 August 20, 1930. These lands are irrigated from a point of diversion located 730 feet North and 380 feet West from the SE corner of Section 33, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , 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 from 3.5 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, Township 34 South, Range 4 West, W.M. and 1.0 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 4, Township 35 South, Range 4 West, W.M., without loss of priority to 3.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, and 1.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, Township 34 South, Range 4 West, W.M., and to irrigate these lands together with 6.7 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, 0.8 acre in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 34 South, Range 4 West,



W.M., and 8.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 4, Township 35 South, Range 4 West, W.M., 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 3.5 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, Township 34 South, Range 4 West, W.M., and 1.0 acre 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 August 20, 1930, be severed therefrom and simultaneously and without loss of priority transferred to 3.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, and 1.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, Township 34 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 730 feet North and 380 feet West from the SE corner of Section 33, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  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 7.7 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, 4.3 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 34 South, Range 4 West, W.M., and 8.0 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 August 20, 1930, 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 0.38 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 Charles Owens and recorded at page 9870, Volume 9, 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 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



**NOTICE  
OF FILING APPLICATION FOR  
A CHANGE IN POINT OF DI-  
VERSION 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 $\frac{1}{4}$  SW $\frac{1}{4}$  and Irrigation of 10.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 34 South, Range 4 West, W.M., and 10.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 3, Township 35 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 feet West from the East  $\frac{1}{4}$  corner of Section 28, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  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 7.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 4, Township 35 South, Range 4 West, W.M., and 8.0 acres in the 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. Water for this use is diverted from a point located 1,000 feet Northwesterly from the SE corner of NE $\frac{1}{4}$  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.

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 $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, and 0.8 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 34 South, Range 4 West, W.M., and 9.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 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 $\frac{1}{4}$  SE $\frac{1}{4}$  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 $\frac{1}{4}$  SW $\frac{1}{4}$ , 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

**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

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

Alta M. Lindsay

NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of October, 19 73