

3017

Charles R. Petty  
2514 Parthenon  
Canoga Park, Calif. 91301

3017

## STATUS OF APPLICATION

Change in point of diversion  
 Date filed 4-11-74  
 Date of hearing 7-16-74  
 Place of hearing Medford  
 Date of order 7-31-74 Vol. 25, page 57  
 Date for application of water 10-1-75  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued JAN 18 1977 Vol. 36, page 44082  
APR 30 1979 41 Survey 47899

## DESCRIPTION OF WATER RIGHT

Name of stream Pleasant Creek  
 Trib. of \_\_\_\_\_ County of Jackson  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 3.4  
 Name of ditch Lower Wakeman Ditch  
 Date of priority 1875  
 In name of A.H. Quatman  
Reque River Adjudication, Vol. 4, page 17 of 2  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 39834  
40372  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>4-11-74</u>	<u>30.00</u>	<u>39502</u>
<u>4-11-74</u>	<u>45.00 P.O.N.</u>	<u>39503</u>
TOTAL . . .		
<u>6-25-74</u>	<u>30% Cert. Fee</u>	<u>From P.O.N.</u>

## FEES REFUNDED

Date	Amount	Check No.
<u>6-27-74</u>	<u>*17.50 P.O.N.</u>	<u>5857</u>
<u>6-25-74</u>	<u>*17.00 P.O.N.</u>	<u>5840 Void</u>

## REMARKS

Cert 40372 issued before Order Posted?

\*(Amendment by Decree of Court V.17 P.275)  
& Cert # 40372 issued - see map in F.14 No Tr. 3062

Also see Sp. Or. Vol. 23 P. 295 canceling Mining Right

Other transfers for  
same right:

Tr. 3062

Tr. 3064

Tr. 3073

Tr. 3102

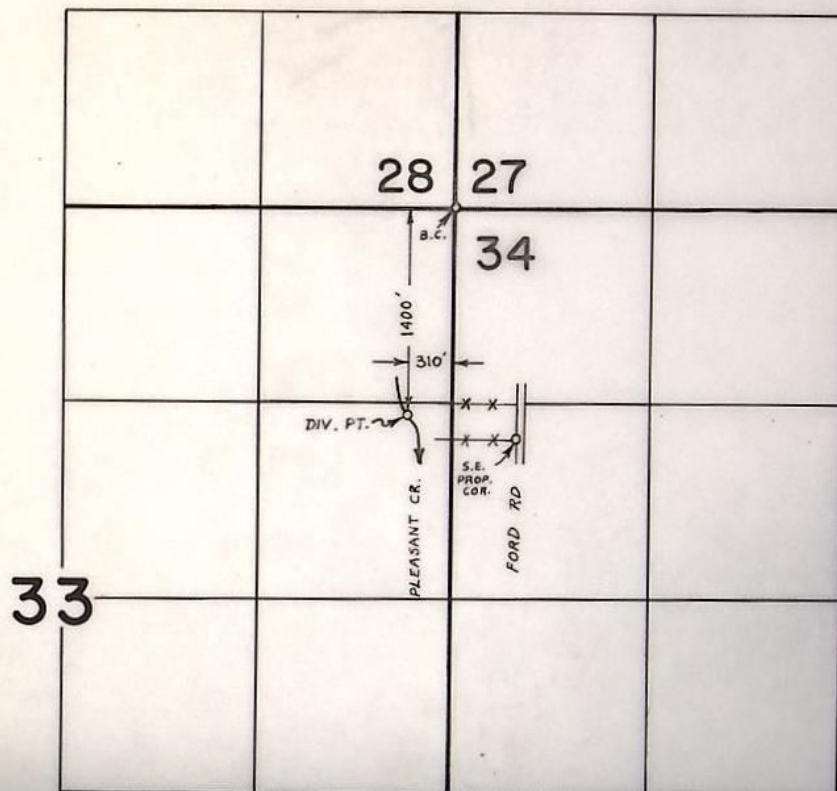
Tr. 3309

Tr. 3325

INDEX CARDS:	Entered	Checked
<u>WC</u> Name	<u>✓</u>	<u>✓</u>
<u>WC</u> Stream	<u>✓</u>	<u>✓</u>
<u>WH</u> Pt. of Div.	<u>✓</u>	<u>✓</u>
<u>WH</u> Calendar	<u>✓</u>	<u>✓</u>
CHECKED TO RECORDS:		
<u>✓</u> Twp. & Rge.	<u>✓</u>	<u>✓</u>
<u>✓</u> Decree-vault	<u>✓</u>	<u>✓</u>
<u>WC</u> Decree-safe	<u>✓</u>	<u>✓</u>
<u>✓</u> Cert. of W/R	<u>✓</u>	<u>✓</u>
<u>✓</u> Per. Folder	<u>✓</u>	<u>✓</u>
<u>✓</u> Chainindex	<u>✓</u>	<u>✓</u>
<u>✓</u> Cross Ref.	<u>✓</u>	<u>✓</u>
<u>✓</u> Power Claim	<u>✓</u>	<u>✓</u>
<u>✓</u> Abstracts	<u>✓</u>	<u>✓</u>



T. 34 S., R. 4 W., W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. TR-3017 Permit No.                       
IN NAME OF  
CHARLES O. PETTY

Surveyed APR. 11 1978, by B. SUND



(Cert A)

# STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~CHARLES O. Petty~~  
~~WALTER D. & DIOLANDA D. SELLERS~~

16745 Ford Rd.  
of ~~P.O. Box 368,~~ Rogue River, State of Oregon 97537, has a right  
to the use of the waters of Pleasant Creek —

a tributary of Evans Creek for the purpose of  
irrigation of ~~30.0 acres~~ 34 ac  
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 4, at page 1; that the priority of the right thereby  
confirmed dates from 1875

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 ~~0.50~~ cubic foot per  
second 0.06

The point of diversion is located in the ~~SE 1/4 NE 1/4~~ 33  
~~SE 1/4 NE 1/4~~, Section 28, T. 34 S., R. 4 W., W. M.  
being 1400 ft S and 310 ft W from ~~SE~~ NE Cor Sec. 33

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

~~9.9 acres NW 1/4 NW 1/4~~  
~~2.7 11.2 acres SW 1/4 NW 1/4~~  
Section 34  
~~7.5 acres NE 1/4 NE 1/4~~  
~~0.7 1.4 acres SE 1/4 NE 1/4~~  
Section 33  
T. 34 S., R. 4 W., W. M.

Switch Sections  
order so  
33 is first

THIS CERT. IS ISSUED TO CONFIRM A CHANGE IN P.O.D.  
APPROVED BY AN ORDER OF THE W.R.D entered 7-31-74  
AND TOGETHER WITH CERT. 5 OF W.R. recorded on pages B  
C, D, Vol. ~~44082~~ and page 44082 Vol 36 SRWRC  
~~Supersedes cert. of W.R. recorded~~  
AND TOGETHER WITH ORDERS OF THE ~~water R.D~~ WRD entered  
on Nov. 29, 1976, AND Nov 30, 1976 Approving  
transfer applications No. 3062, 3304 AND 3325, ~~11~~  
Supersedes cert. of W.R. recorded on page 40372, Vol. 32 SRWRC  
THE ISSUANCE . . . . . OES 540.610

Chris L. Wheeler  
State Engineer



T-3017

## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That **WALTER D. & DIOLANDA B. SELLERS**of **P. O. Box 368,** **Rogue River**, State of **97537 Oregon**, has a right to the use of the waters of **Pleasant Creek**a tributary of **Evans Creek** for the purpose of **irrigation of 30.0 acres** <sup>7.1 acres</sup> 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 **4**, at page **1**; that the priority of the right thereby confirmed dates from **1875**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 ~~0.50~~ **0.12** cubic foot per second

0.50	0.06	0.04	0.055	0.06	0.055	0.06	0.055	0.28
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The point of diversion is located in the **SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28, T. 34 S., R. 4 W., W. M.**

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

	3017	3022	3064	3073	3102	3304	3325	Total
39 <del>9.9 acres NW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></del>			14		24	22		60
<del>11.2 acres SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></del>	27	26		31			28	112
Section 34								
32 <del>7.5 acres NE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></del>			19		09	15		43
<del>1.4 acres SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></del>	07	01		03			03	14
Section 33								
T. 34 S., R. 4 W., W. M.								

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 40372, Volume 32, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 31, 1974, approving transfer application No. 3017.

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 State Engineer, affixed

this date

May 24

, 1974

Chris L. Wheeler  
State EngineerRecorded in State Record of Water Right Certificates, Volume 32, page 40372

0.50	0.12	0.06	0.04	0.055	0.06	0.055	0.06	0.05
30.0	112	057	045	055	1057	055	062	052
	7.1	3.4	2.7	3.3	3.4	3.3	3.7	3.1
	RR	3017	3062	3064	3073	3102	3304	3325



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That A. H. QUATMAN

of Willows, Glen County  
to the use of the waters of

, State of California , has a right

Pleasant Creek

a tributary of Evans Creek

for the purpose of

irrigation of 30 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 4, at page 1; that the priority of the right thereby confirmed dates from 1875

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

0.50 cubic foot per second

The point of diversion is located on the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28, T. 34 S., R. 4 W., W. M.

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

8.0 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
 2  $\frac{3}{4}$  5.0 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$  2  $\frac{7}{8}$   
 Section 34  
 11.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 5  $\frac{3}{4}$  6.0 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$  0.7  
 Section 33  
 T. 34 S., R. 4 W., W. M.

An order of the State Engineer entered January 25, 1973, approved a change in point of diversion for the irrigation of 30.0 acres. The order of the State Engineer entered July 27, 1973 canceled the right for the use of water for placer mining. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to A. H. Quatman and recorded at page 16131, State Record of Water Right Certificates.

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 February 26, 1974.

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39834



BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION  
OF CHARLES O. PETTY FOR THE APPROVAL  
OF A CHANGE IN POINT OF DIVERSION OF  
WATER FROM PLEASANT CREEK  
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ORDER APPROVING  
TRANSFER NO. 3017

On April 11, 1974, Charles O. Petty filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Pleasant Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, 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 A. H. Quatman for the use of the waters of Pleasant Creek for the irrigation of, among other lands, 0.7 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 33, and 2.7 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 34, Township 34 South, Range 4 West, W.M., with a date of priority of 1875, as evidenced by certificate of water right recorded at page 39834, Volume 31, State Record of Water Right Certificates. These lands are irrigated by means of 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 $\frac{1}{4}$ , Section 28, Township 34 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1470 feet South and 330 feet West from the Northeast 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.

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 July 29, 1974 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 June 6, 13 and 20, 1974. 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 Pleasant Creek, to wit:

From a point 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.

To a point to be located 1470 feet South and 330 feet West from the Northeast 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.

for the irrigation of 0.7 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 33 and 2.7 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 34, Township 34 South, Range 4 West, W.M., with a date of priority of 1875 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, 1975.

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 0.06 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.

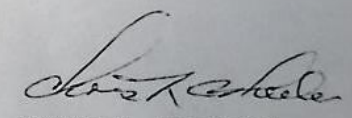


That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 A. H. Quatman and recorded at page 40372, Volume 32, 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 Charles O. Petty confirming the change in point of diversion.

Dated at Salem, Oregon, this 31st day of July, 1974.

  
CHRIS L. WHEELER  
State Engineer

*Not issued as of 11/26/76*



**NOTICE  
OF FILING APPLICATION  
FOR A CHANGE IN POINT  
OF DIVERSION OF WATER**

Notice is given hereby that Charles O. Petty has filed an application for approval of a change in point of diversion of water from Pleasant Creek.

In the Rogue River Adjudication Proceedings, a water right was established in the name of A. H. Quatman for the use of the waters of Pleasant Creek for the irrigation of, among other lands, 0.7 acre in the SE 1/4 NE 1/4, Sec. 33, and 2.7 acres in SW 1/4 NW 1/4, Sec. 34, T. 34 S., R. 4 W., W.M. Water for this use is diverted from a point 975 feet N. and 440 feet W. from the E 1/4 corner of Sec. 28, being within the SE 1/4 NE 1/4, Sec. 28, T. 34 S., R. 4 W., W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to 1470 ft. S. and 330 ft. W. from the NE corner of Sec. 33, being within the SE 1/4 NW 1/4, Sec. 33, T. 34 S., R. 4 W., W.M.

All persons interested are notified hereby that a hearing will be held at the County courthouse at Medford, Oregon on July 29, 1974, 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 Charles O. Petty, 20514 Parthenia, Canoga Park, Calif., 91306, 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.

Dated at Salem, Oregon, this 20th day of May, 1974.

CHRIS L. WHEELER  
State Engineer

# Affidavit of Publication

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 Pt. of Div. of Water - Petty

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 June 6, 13, 20, 1974  
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

*Evalynne D. Smith*

Subscribed and sworn to before me this 20th day of June, 19 74

*Alta M. Lindsey*  
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of Oct., 19 77