

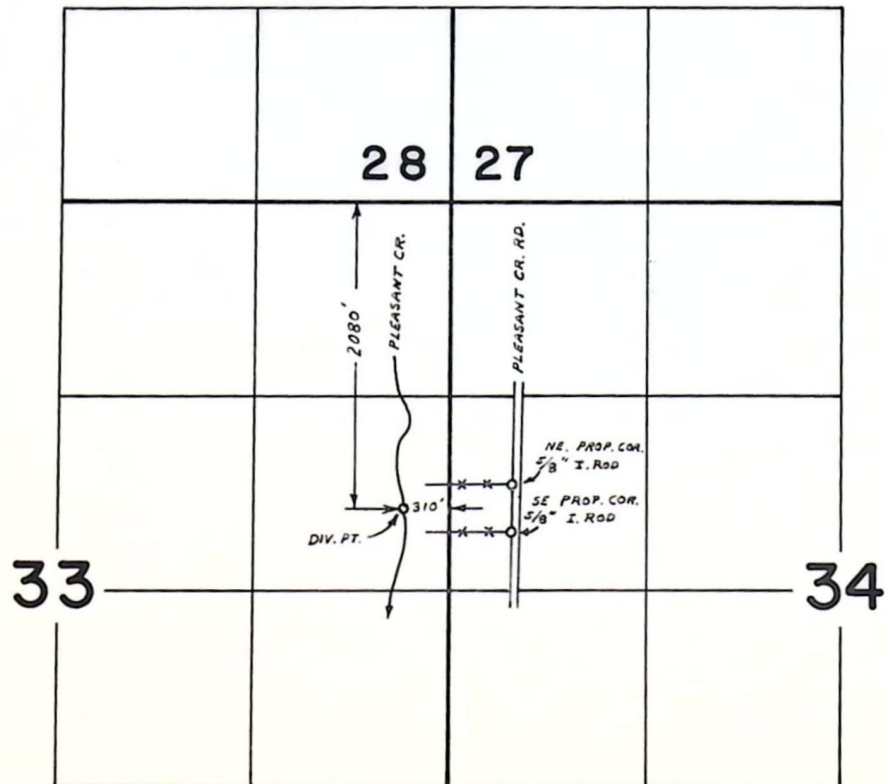
Henry

A single, elongated green leaf with a pointed tip and a slightly curved shape, positioned diagonally across the page.

FEES PAID

95X

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



FINAL PROOF SURVEY
UNDER

Transfer No. 3073

Application No. Permit No.
IN NAME OF

CHESTER L. MCDANIEL

Surveyed AUG. 1 1978, by B. SUND

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CHESTER L. MCDANIEL

of 158 N. Sunnyvale Ave., Sunnyvale, State of California, 94086, has
a right to the use of the waters of Pleasant Creek

a tributary of Evans Creek
irrigation of 3.4 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 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 0.06 cubic foot per
second

The point of diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, T. 34 S., R. 4 W., W. M.,
2080 feet South and 310 feet West from the NE Corner, Section 33

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

3.1 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 34
0.3 acre SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 33
T. 34 S., R. 4 W., W. M.

This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered November 30, 1976 and
together with certificates of water rights recorded on pages 47899, 47900,
47901, Volume 41 and page 44082, Volume 36, State Record of Water Right
Certificates, and together with orders of the Water Resources Director
entered on November 29, 1976 and November 30, 1976 approving transfer
applications No. 3062, 3304, and 3325, supersedes certificate of water right
recorded on page 40372, Volume 32, 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.

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 April 30, 1979.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 41, page 47902

RECEIVED

NOV 14 1975

WATER RESOURCES DEPT.
SALEM, OREGON

Affidavit of Publication

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

Notice is given hereby that Chester L. McDaniel has filed an application for the 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 Walter D. and Diolenda B. Sellers for the use of the waters of Pleasant Creek for the irrigation of 0.3 acre in SE 1/4 NE 1/4, Sec. 33 and 3.1 acres in SW 1/4 NW 1/4, Sec. 34, T. 34 S., R. 4 W., W.M., with a date of priority of 1875.

These lands are irrigated by means of the Lower Wakeman Ditch from a point of diversion located 975 ft. N. and 440 ft. 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 irrigate these lands from a point of diversion to be located 2060 ft. S. and 230 ft. W. from the NE corner of Sec. 33, being within the SE 1/4 NE 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, Or. on December 19, 1975, at 1:30 p.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 Chester L. McDaniel, 158 N. Sunnyvale, Sunnyvale, Calif., 94086, and one copy filed with the Water Resources Director, Salem, Or., together with a \$10 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 Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Director upon request.

Dated at Salem, Oregon, this 22nd day of October, 1975.

James E. Sexson
Director

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 - Chester McDaniel

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 Oct. 28, Nov. 4, 11, 1975
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Evalynne D. Smith

Subscribed and sworn to before me this 11th day of Nov., 19 75

James E. Sexson
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 19 77

Have \$2.00 rec # 4164

STATE OF OREGON

(Cert D)

OK LMT

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~CHESTER L. McDANIEL~~
~~WALTER D. & DIOLANDA B. SELLERS~~

158 N. SUNNYVALE AVE SUNNYVALE CA 97537 94086
of ~~P. O. Box 368,~~ ~~Rogue River~~, State of ~~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~~ 34 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 0.06

The point of diversion is located in the ~~SE 1/4 NE 1/4~~ Section 28, T. 34 S., R. 4 W., W. M.
being 2080 ft S and 310 ft W from 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~~
3.1 ~~11.2 acres SW 1/4 NW 1/4~~
Section 34

7.5 acres NE 1/4 NE 1/4
0.3 ~~1.4 acres SE 1/4 NE 1/4~~
Section 33
T. 34 S., R. 4 W., W. M.

Switch order of
Section so
is first

THIS Cert IS ISSUED TO CONFIRM A CHANGE IN P.O.D. APPROVED
BY AN ORDER OF THE W.R.D. ENTERED Nov. 30, 1976 AND TOGETHER
WITH CERT. S OF W.R. RECORDED ON pages 47899 A 47900 B
47901 C, Vol 41 and page 44082, Vol. 36 SRWRC
AND together with ORDERS OF THE WRD entered on Nov 29, 1976
AND Nov 30, 1976 approving transfer applications No. 3062, 3304
AND 3325 ~~respectively~~, supercedes cert. of W.R. recorded on
page 40372 Vol 32 SRWRC.

THE ISSUANCE ORS 540.610

this date May 24, 1976.
Chris L. Wheeler
State Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF CHESTER L. McDANIEL FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM PLEASANT
CREEK

ORDER APPROVING
TRANSFER NO. 3073

On June 28, 1974, Chester L. McDaniel filed an application in the office of the Water Resources Director 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.

Certificate of water right recorded at Page 40372, Volume 32, State Record of Water Right Certificates, in the name of Walter D. and Diolenda B. Sellers, describes an existing right of record which includes the use of not to exceed 0.06 cubic foot per second from Pleasant Creek for the irrigation of 0.3 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, and 3.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 34 South, Range 4 West, W.M., with a date of priority of 1875.

Water for the said right is diverted through the Lower Wakeman ditch from a point located 975 feet North and 440 feet West from the East quarter-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.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion to a point located 2060 feet South and 230 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.

Notice of the application, pursuant to ORS 540.510 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 October 28, November 4 and 11, 1975.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 requested change in point of diversion described herein, without loss of priority, is 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, 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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered July 31, 1974, approving transfer application No. 3017, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein, a certificate of water right shall be issued to Chester L. McDaniel confirming the change in point of diversion.

Dated at Salem, Oregon, this 30th day of November, 1976.

/s/ JAMES E. SEXSON
Director

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON