

STATUS OF APPLICATION

Change in point of diversion
 Date filed 7-3-74
 Date of hearing _____
 Place of hearing _____
 Date of order 4-14-75 Vol. 25, page 285
 Date for application of water 10-1-75
 Proof mailed _____
 Proof received _____
 Certificate issued FEB 07 1990 Vol. _____, page _____

Summary 11/76

DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek
 Trib. of _____ County of Jackson
 Use irrigation
 Quantity of water _____ No. of acres 55
 Name of ditch Silver ditch
 Date of priority Feb 27, 1904 * Feb 1, 1961
 In name of O. W. Miller / Alfred J. Baulter
RR Adjudication, Vol. 13, page 381
 App. No. 34595 Per. No. 27166 Cert. No. 32773
31773
 Certificate cancelled _____
 Notation made on record by _____

OK cert

FEES PAID

Date	Amount	Receipt No.
<u>7-3-74</u>	<u>30.00</u>	<u>41785</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

2 Certificates not one!

W.R.I.S.

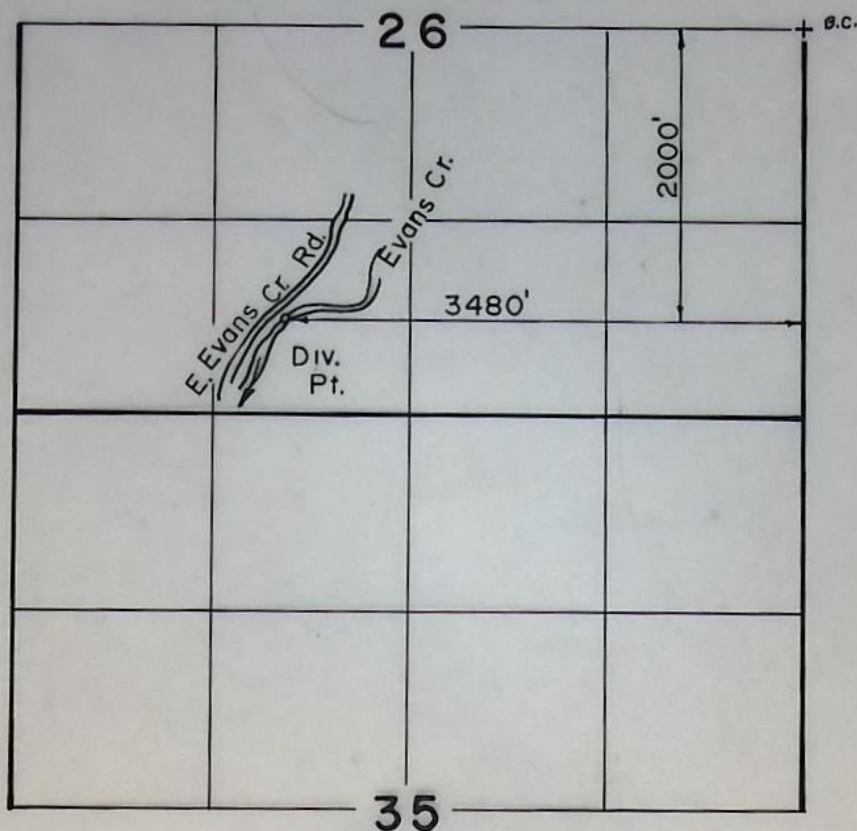
Assembled 7/22/85 by CLH

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:	Entered	Checked
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<input checked="" type="checkbox"/> Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Decree-vault	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Decree-safe	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Per. folder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Chainindex	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Abstracts	<input type="checkbox"/>	<input type="checkbox"/>

T. 34 S., R. 3 W., W. M.



Scale: 1" = 1320'

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3082

Application No. Permit No.
IN NAME OF

.....
Surveyed JUN..8.... 1987, by B....S....JAMES...

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ALFRED J. BOULTER

of Route 1, Box 116, Rogue River, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Evans Creek

a tributary of Rogue River
irrigation of 5.0 acres

for the purpose of

under Permit No. 27166 of the State Engineer, 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 February 1, 1961

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 0.06 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, T. 34 S., R. 3 W., W. M.

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 for each acre irrigated and shall be further limited to a diversion of not to exceed $4\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right to the use of water is limited to the period when the flow of the Rogue River immediately above Savage Rapids Dam is more than 1000 c.f.s. and more than 735 c.f.s. at its mouth,

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:

5.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 26
T. 34 S., R. 3 W., W. M.

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. January 27, 1965

CHRIS L. WHEELER

State Engineer

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That O. W. MILLER,

of Harbor
to the use of the waters of Evans Creek

, State of Oregon , has a right

a tributary of Rogue River
irrigation of 0.5 acre

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 STATE ENGINEER, in Volume 16 , at page 523 ; that the priority of the right thereby confirmed dates from February 27, 1904;

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 0.01 cubic foot per second.

The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, T. 34 S., R. 3 W., W.M.

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

0.5 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 26,
T. 34 S., R. 3 W., W.M.

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 January 5 , 1966 .

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 24 , page 32773

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }
OF FIRMAN J. AND JOANNE M. GLAVES }
FOR THE APPROVAL OF A CHANGE IN }
POINT OF DIVERSION OF WATER FROM }
EVANS CREEK }

ORDER APPROVING
TRANSFER NO. 3082

On July 3, 1974, Firman J. and Joanne M. Glaves filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered May 19, 1964, 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 O. W. Miller for the use of the waters of Evans Creek for the irrigation of 0.5 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 34 South, Range 3 West, W.M., with a date of priority of February 27, 1904, as evidenced by certificate of water right recorded at page 32773, Volume 24, State Record of Water Right Certificates. Certificate of water right issued to Alfred J. Boulter confirms a right to the use of the waters of Evans Creek for the irrigation of 5.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 34 South, Range 3 West, W.M., with a date of priority of February 1, 1961, as evidenced by certificate of water right recorded at page 31773, Volume 23, State Record of Water Right Certificates. These lands are irrigated by means of the Rivers ditch from a point of diversion located 1740 feet North and 2450 feet East from the Southwest corner of Section 26, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 34 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 730 feet North and 1870 feet East from the Southwest corner of Section 26, being within the

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 34 South, Range 3 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. David 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 Evans Creek, to wit:

From a point located 1740 feet North and 2450 feet East from the Southwest corner of Section 26, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 34 South, Range 3 West, W.M.

To a point to be located 730 feet North and 1870 feet East from the Southwest corner of Section 26, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 34 South, Range 3 West, W.M.

for the irrigation of 5.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, with a date of priority of February 1, 1961, and 0.5 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, with a date of priority of February 27, 1904, both in Township 34 South, Range 3 West, W.M, 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 0.01 cubic foot per second under a date of priority of February 27, 1904, and 0.06 cubic foot per second under a date of priority of February 1, 1961.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates 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 certificates of water right heretofore issued to Alfred J. Boulter and recorded at page 31773, Volume 23, and O. W. Miller and recorded at page 32773, Volume 24, State Record of Water Right Certificates, are 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 Firman J. and Joanne M. Graves confirming the change in point of diversion.

Dated at Salem, Oregon, this 14th day of April, 1975.

/s/ CHRIS L. WHEELER
State Engineer

ALL COPIES
MILLERS FALLS
GIBBALTAN OREGON SKIN