

3117 Earl F. and Mervin
13236 E. Evans Creek
Rogue River 97537

3117

STATUS OF APPLICATION

Change in point of diversion
Date filed 8-19-74
Date of hearing _____
Place of hearing _____
Date of order 7-21-76 Vol. 27, page 337
Date for application of water 10-1-77
Proof mailed _____

Proof received _____

Certificate issued NOV 23 1976 Vol. 36, page 43985
JAN 29 1979 40 117 47235

DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 11 6
Name of ditch _____
Date of priority December 1, 1923
In name of R.E. & E.M. Richman

Adjudication, Vol. _____, page _____

App. No. 9287 Per. No. 6124 Cert. No. 7488

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-19-74</u>	<u>30.00</u>	<u>42554</u>
TOTAL . . .		
<u>6-28-76</u>	<u>2</u> Cert. Fee	<u>54002</u>

FEES REFUNDED

Date	Amount	Check No.

Have \$2.00 on D-113 that can
be used for Cert. fee.

REMARKS

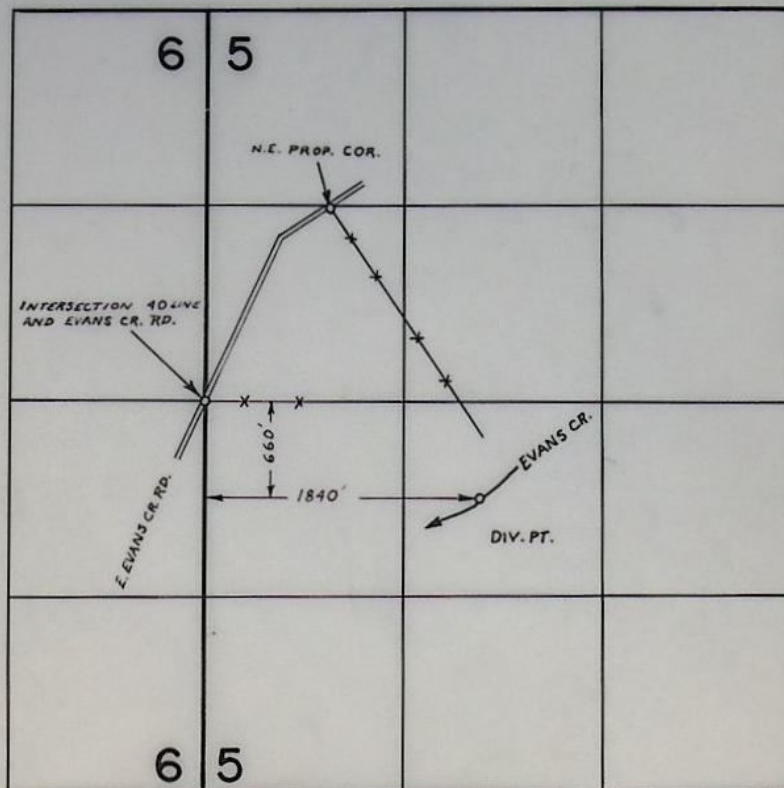
See 5457, 9287, 52336, D-113

Order approving Transfer D-113 cancelled Cert's 7488 and 3571

INDEX CARDS:		Entered	Checked
WH	Name	✓	
WH	Stream	✓	
WH	Pt. of Div.		
WH	Calendar		
✓	CHECKED TO RECORD:		
	Twp. & Rge.		
	Decree-void		
	Decree-appe		
✓	Cert. of W/R		
✓	Per. Folder		
	Chainer		
	Cross Ref.		
	Power Claim		
	Abstracts		

CCB

T. 35 S., R. 3 W., W.M.



FINAL PROOF SURVEY
UNDER

TR-3118

Application No. TR-3117 Permit No.
IN NAME OF

EARL E. & MERRY J. SAMSON

Surveyed APR. 13 1978, by B. SUND

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That PAUL B. AND CYTHA G. DICKEY

of Rogue River, State of Oregon, 97537, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Evans Creek

a tributary of Rogue River for the purpose of
irrigation of 19.4 acres

under Permit No. 6124 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 December 1, 1923 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 0.242 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, T. 35 S., R. 3 W., W. M., 650 feet North and 2610 feet East from the W $\frac{1}{4}$ Corner of Section 5.

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,

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:

1.4 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
18.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 5
T. 35 S., R. 3 W., W. M.

This certificate represents that portion of the water right confirmed by the prior certificate recorded at Page 7488, Volume 7, State Record of Water Right Certificates as modified by an order of the State Engineer entered on January 28, 1966, NOT modified by an order of the Water Resources Director entered on July 21, 1976, approving transfer application No. 3117. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 23, 1976

James E. Sexson

Water Resources Director

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

EARL E. & MERRY J. SAMSON

of 13236 E. Evans Creek Rd., Rogue River, State of Oregon, 97537, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Evans Creek

a tributary of Rogue River
irrigation of 11.6 acres

for the purpose of

under Permit No. 6124 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 December 1, 1923
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 0.145 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 5, T. 35 S., R. 3 W., W. M., 660 feet South and 1840 feet East from the W $\frac{1}{4}$ Corner, Section 5

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-eighth of one cubic foot per second per acre,

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:

9.6 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 5

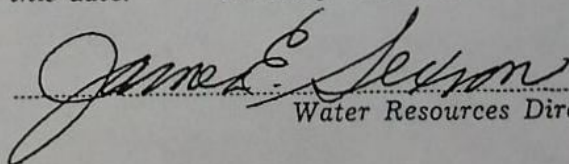
T. 35 S., R. 3 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered July 21, 1976 and together with certificate of water right recorded on Page 43985, Volume 36, State Record of Water Right Certificates and a cancellation order of the Water Resources Director entered July 19, 1976 supersedes certificate of water right recorded on Page 7488, Volume 7, 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.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. January 29, 1979


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 40, page 47285

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **PAUL B. AND CYTHA G. DICKEY**

of Rogue River, State of Oregon, 97537, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Evans Creek

a tributary of Rogue River
irrigation of 12.0 acres

for the purpose of

under Permit No. 3312 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 March 27, 1917 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 0.15 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, T. 35 S., R. 3 W., W. M., 650 feet North and 2610 feet East from the W $\frac{1}{2}$ Corner of Section 5.

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,

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:

11.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ + 0.5 = 12.0

0.5 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$ + 7.0 = 4.5 + 3.5 (excl) = 8.0

Section 5

T. 35 S., R. 3 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 3571, Volume 4, State Record of Water Right Certificates as modified by an order of the State Engineer entered on January 28, 1966, NOT modified by an order of the Water Resources Director entered on July 21, 1976, approving transfer application No. 3118. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 23, 1976

...James E. Saxson...

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36, page 43986

5457 3312 3571

STATE OF OREGON

Sp. Or. V. 27 334
(7-3118)

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

(For rights perfected under State Engineer's permits)

This is to Certify, That

EARL E. & MERRY J. SAMSON
E. M. RICHMAN

13236 E. EVANS CREEK RD.
of Rogue River, State of Oregon 97537, has made proof
to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of
Evans Creek, a tributary of Rogue River

, for the purpose of irrigation of 42 acre
under Permit No. 3312 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 434, on the
19th day of April, 1922; that the priority of the right hereby con-
firmed dates from March 27, 1917; 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 0.25 0.056 cubic feet per second.
or its equivalent in case of rotation. The use hereunder for irrigation shall
conform to such reasonable rotation system as may be 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: 12 acres in the Southeast quarter of Northwest quarter and 8 acres
in the Northeast quarter of Southwest quarter of Section Five, Township Thirty-five
South, Range Three West of Willamette Meridian, in Jackson County, Oregon. Being
a total of 20 acres.

0.5 ac SE 1/4 NW 1/4
4 ac NE 1/4 SW 1/4
SEC 5
35 S 3 W

This certificate is issued to confirm a change in point of diversion approved
by an order of the WRD entered July 21, 1976 and together with certificate
of water right recorded on Page 43986, Volume 36, SRWRC*supersedes
certificate of water right recorded on Page 3571, Volume 4, SRWRC.

* AND CANCELLATION ORDER OF THE WRD ENTERED JULY 19, 1976

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

Witness the seal and signature of the STATE

WATER BOARD affixed this 25th day

of April, 1922

STATE WATER BOARD,

By RERCY A. CUPPER

State Engineer, President

Attest: R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume 4, Page 3571

Div. Pt. NE 1/4 SW 1/4 Sec 5 35 S 3 W
660 ft S 1840 ft E from NW 1/4 Cor
Sec 5
Duly - 180 cfs

OK
\$2.00 paid

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF EARL E. AND MERRY J. SAMSON }
FOR THE APPROVAL OF A CHANGE IN }
POINT OF DIVERSION OF WATER FROM }
EVANS CREEK }

ORDER APPROVING
TRANSFER NO. 3117

On August 19, 1974, Earl E. and Merry J. Samson filed an application in the office of the Water Resources Director 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.

Certificate of water right issued to R. E. and E. M. Richman and recorded at Page 7488, Volume 7, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 0.5 cubic foot per second of water from Evans Creek for the irrigation of 20.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 11.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 9.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923. On January 28, 1966, an order was entered by the State Engineer approving a change in point of diversion of water for the right confirmed by the certificate recorded at Page 7488, State Record of Water Right Certificates. Satisfactory proof has been submitted to the Water Resources Director that water has been used beneficially for the irrigation of the aforementioned lands from the approved point of diversion located 650 feet North and 2610 feet East from the West quarter-corner of Section 5, Township 35 South, Range 3 West, W.M.

The applicant herein, owner of 9.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5 of the lands above described, proposes to irrigate these lands from a point of diversion to be located 490 feet South and 1960 feet East from the West quarter-corner of Section 5, being within the

NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 35 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 is no intervening diversion.

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 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 change in point of diversion of water from Evans Creek, to wit:

From a point located 650 feet North and 2610 feet East from the West quarter-corner of Section 5, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 35 South, Range 3 West, W.M.

To a point to be located 490 feet South and 1960 feet East from the West quarter-corner of Section 5, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 35 South, Range 3 West, W.M.

for the irrigation of 9.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923, 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, 1977.

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 0.145 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 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.

On July 19, 1976, an order was entered by the Water Resources Director canceling that portion of the right confirmed by the certificate recorded at Page 7488 for the use of 0.11 cubic foot per second of water for the irrigation of 9.0 acres.

The order entered by the State Engineer January 28, 1966, canceled the certificate of water right heretofore issued to R. E. and E. M. Richman recorded at Page 7488 and provided for the issuance of a new certificate upon completion of the change in point of diversion confirming the water right.

It is FURTHER ORDERED that the portions of the right canceled by the order entered July 19, 1976, and involved in the change authorized herein not be included in the new certificate to be issued as provided by the order entered January 28, 1966, 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 Earl E. and Merry J. Samson confirming the change in point of diversion.

Dated at Salem, Oregon, this 21st day of July, 1976.

/s/ JAMES E. SEXSON
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF
THE CANCELATION
OF A WATER RIGHT

O R D E R

On December 13, 1974, Earl E. and Mary J. Samson, and on February 26,

1975, William M. and Medora B. Nankervis submitted affidavits that they are the owners of a water right and the lands to which the right is appurtenant; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

The water right in question is for the use of not to exceed 0.113 cubic foot per second of water from Evans Creek, a tributary of Rogue River, for the irrigation of 9.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923, and is evidenced by certificate of water right issued in the name of R. E. and E. M. Richman and recorded at Page 7488, Volume 7, State Record of Water Right Certificates.

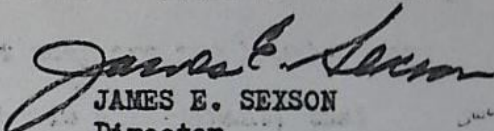
That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.387 cubic foot per second of the waters of Evans Creek for the irrigation of 20.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 11.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923, is not in question in this proceedings.

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 cancelation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the right for the use of not to exceed 0.113 cubic foot per second of the waters of Evans Creek for the irrigation of 9.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W.M., as evidenced by the certificate recorded at Page 7488, Volume 7, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 19th day of July, 1976.

On February 26, 1976, William L. and Madeline L. Bankovitz and James E. and Jolie L. Magley submitted affidavits that of a water right and the lands to which the right they have abandoned any and all interest in and to said water right and request the same to be canceled.


JAMES E. SEXSON
Director

The water right in question is for the use of not to exceed 0.041 cubic foot per second of the water of Evans Creek, tributary to Rogue River, for the irrigation of 3.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of March 27, 1917, and is evidenced by certificate of water right issued in the name of L. M. Richman and recorded at Page 3571, Volume 4, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.208 cubic foot per second of the waters of Evans Creek for the irrigation of 13.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of March 27, 1917, is now in question in this proceeding.

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 canceling the water right."