

Moed
R.R. C. 1

STATUS OF APPLICATION

FEES PAID

Name of stream Evans Creek
Trib. of _____ County of Jackson
Use irrigation, domestic & stock
Quantity of water _____ No. of acres 13 2
Name of ditch Broman Ditch
Date of priority 1902
In name of James Trefren
Rogue River To be on 13 P. 384
Adjudication, Vol. 16, page 523
App. No. _____ Per. No. _____ Cert. No. 32787

Date	Amount	Receipt No.
11-26-74	30.00	44036
11-26-74	45.00	44037
TOTAL . . .		
5-15-75	\$3.00 Cert. Fee	Rec. 44037 FROM P.O.N.

FEES REFUNDED

Date	Amount	Check No.
5-15-75	\$ 13.91	6332

REMARKS

INDEX CARDS:		Entered	Checked
<u>20</u>	Name	<u>✓</u>	<u> </u>
<u>20</u>	Stream	<u>✓</u>	<u> </u>
<u> </u>	Pt. of Div.	<u> </u>	<u> </u>
<u>W/L</u>	Calendar	<u>✓</u>	<u> </u>
CHECKED TO RECORDS:			
<u>20</u>	Twp. & Rge.	<u>✓</u>	<u> </u>
<u>20</u>	Decree-vault	<u>✓</u>	<u> </u>
<u>20</u>	Decree-safe	<u>✓</u>	<u> </u>
<u>20</u>	Cert. of W/R	<u>✓</u>	<u> </u>
<u> </u>	Per. Folder	<u> </u>	<u> </u>
<u> </u>	Chaindex	<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>

2-119
300

TR-3149
Application No. _____ Permit No. _____
IN NAME OF
JOSEPH C. & EDNA E. BROOKS

BAX-4AA-183

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF JOSEPH C. AND EDNA E. BROOKS)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
EVANS CREEK)

ORDER APPROVING
TRANSFER NO. 3149

On November 26, 1974, Joseph C. and Edna E. Brooks 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 Evans Creek and its Tributaries, a water right was established in the name of James Trefren for the use of the waters of Evans Creek for the irrigation of, among other lands, 11.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, and 1.3 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 35 South, Range 4 West, W.M., with a date of priority of 1902, as evidenced by certificate of water right recorded at Page 32787, Volume 24, State Record of Water Right Certificates. These lands are irrigated by means of the Vroman Ditch from a point of diversion located 1200 feet North and 100 feet West from the East quarter-corner of Section 11, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 35 South, Range 4 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 380 feet North and 120 feet West from the Southeast corner of Section 16, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Township 35 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 June 5, 1975 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 April 10, 17 and 24, 1975. 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 Evans Creek, to wit:

From a point located 1200 feet North and 100 feet West from the East quarter-corner of Section 11, being within the $SE\frac{1}{4} NE\frac{1}{4}$ of Section 11, Township 35 South, Range 4 West, W.M.

To a point to be located 380 feet North and 120 feet West from the Southeast corner of Section 16, being within the $SE\frac{1}{4} SE\frac{1}{4}$ of Section 16, Township 35 South, Range 4 West, W.M.

for the irrigation of 11.9 acres in $SW\frac{1}{4} SW\frac{1}{4}$, Section 15, and 1.3 acres in $NW\frac{1}{4} NW\frac{1}{4}$, Section 22, Township 35 South, Range 4 West, W.M., with a date of priority of 1902, 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, 1976.

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 0.219 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 James Trefren and recorded at page 32787, Volume 24, 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 Joseph C. and Edna E. Brooks confirming the change in point of diversion.

Dated at Salem, Oregon, this 6th day of June, 1975.

/s/ CHRIS L. WHEELER
State Engineer

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JOSEPH C. AND EDNA E. BROOKS

of 100 Minthorn Rd., Rogue River, State of Oregon, 97537, has
 a right to the use of the waters of Evans Creek

a tributary of Rogue River for the purpose of
 domestic, stock and irrigation of 13.2 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 WATER RESOURCES DIRECTOR, in Volume 16, at page 523; that the priority of the
 right thereby confirmed dates from 1902

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 0.219 cubic foot per
 second

The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, T. 35 S., R. 4 W., W. M.,
 440 feet North and 80 feet West from the SE Corner, Section 16

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

11.9 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 15
 1.3 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 22
 T. 35 S., R. 4 W., W. M.

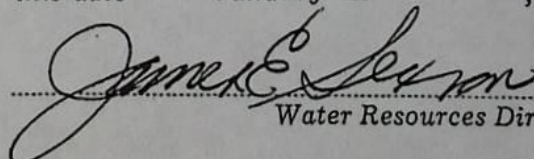
This certificate is issued to confirm a change in point of diversion approved
 by an order of the Water Resources Director entered June 6, 1975 and together
 with certificate of water right recorded on Page 42923, Volume 34, State Record
 of Water Right Certificates supersedes certificate of water right recorded on
 Page 32787, Volume 24, 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 January 29, 1979.


 Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 40, page 47287

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

Notice is given hereby that Joseph C. and Edna E. Brooks have filed an application for the approval of a change in point of diversion of water from Evans Creek.

In the Rogue River Adjudication proceedings a water right was established in the name of James Trefren for the use of the waters of Evans Creek for the irrigation of, among other lands, 11.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, and 1.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 35 S., R. 4 W., W.M., with a date of priority of 1902.

These lands are irrigated by means of the Vroman Ditch from a point of diversion located 1200 ft. N. and 100 ft. W. from the E $\frac{1}{4}$ corner of Sec. 11, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 35 S., R. 4 W., W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 380 ft. N. and 120 ft. W. from the SE corner of Sec. 16, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 35 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 June 5, 1975 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 Joseph C. and Edna E. Brooks, 100 Minthorne Road, Rogue River, Or., 97537, and one copy filed with the State Engineer, Salem, Or., 97310, 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 31st day of March, 1975.

CHRIS L. WHEELER
State Engineer

RECEIVED

APR 28 1975

STATE ENGINEER
SELEM, OREGON

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 - Brooks

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 April 10, 17, 24, 1975

(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Evalynne D. Smith

Subscribed and sworn to before me this 24th day of April, 19 75

James J. [Signature]
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 19 77

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES TREFREN,

of Rogue River

, State of Oregon , has a right

to the use of the waters of Evans Creek

a tributary of Rogue River

for the purpose of

domestic, stock and irrigation of ~~18.1~~ ^{4.9} 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 16 , at page 523 ; that the priority of the right thereby confirmed dates from 1902;

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 ~~18.1~~ cubic foot per second.

0.081

The point of diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, T. 35 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:

$$\frac{0.30}{18.1} = \frac{x}{4.9} = \frac{y}{13.2}$$

0.081 219 300

^{4.9}
~~18.1~~ acres in Lot 9
(SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15;
NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22)
T. 35 S., R. 4 W., W.M.

The above Lot designation is in Pleasant Valley Farm Tracts, as designated, numbered and described on the official plat thereof now on record in the office of the County Clerk of Jackson County.

An order of the State Engineer entered June 6, 1975, approved a change in point of diversion for the irrigation of 13.2 acres. This certificate is issued to confirm the remaining right, ^{not involved in the change} and supersedes the certificate heretofore issued to Jame Trefren and recorded at page 32787, State Record of Water Right Certificates.

WITNESS the signature of the ~~State Engineer~~, affixedthis date January 5, 1966.~~CHRIS L. WHEELER~~

State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32787

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES TREFREN,

of Rogue River
to the use of the waters of Evans Creek

, State of Oregon , has a right

a tributary of Rogue River ^{4.9} for the purpose of
domestic, stock and irrigation of ~~11.1~~ 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 16 , at page 523 ; that the priority of the right thereby
confirmed dates from 1902;

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 ~~11.1~~ cubic foot per
second. ^{0.081}

The point of diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, T. 35 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:

$$\frac{0.30}{18.1} = \frac{.081 \times .219 \times 300}{4.9} = \frac{4}{13.2}$$

^{4.9}
~~11.1~~ acres in Lot 9
(SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15;
NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22)
T. 35 S., R. 4 W., W.M.

The above Lot designation is in Pleasant Valley Farm Tracts, as designated,
numbered and described on the official plat thereof now on record in the office
of the County Clerk of Jackson County.

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 32787