

3062

STATUS OF APPLICATION

Change in point of diversion
Date filed 6-11-74
Date of hearing 12-16-75
Place of hearing Medford, Or
Date of order 11-29-76 Vol. 28, page 146
Date for application of water 10-1-78
Proof mailed _____
Proof received _____
Certificate issued AUG 29 1988 Vol. _____, page 57601

Survey 4-79

DESCRIPTION OF WATER RIGHT

Name of stream Pleasant Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 2.7
Name of ditch Lower Whiteman Ditch
Date of priority 1875
In name of Walter D. & Diolenda B. Sellers
Order Converting Vol 17 Page 275
Rogue River Adjudication, Vol. 4, page 17
(Orig Cert #16131)
App. No. _____ Per. No. _____ Cert. No. 40372
Certificate cancelled _____
Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|--------------|---------------|-------------|
| 6-11-74 | 30.00 | 40833 |
| 6-11-74 | 45.00 P.O.N. | 40834 |
| TOTAL . . . | <u>\$2.00</u> | |
| 1-16-76 | Cert. Fee | 40834 |
| Mail Tribune | 29 05 | ck # 181 |

FEES REFUNDED

| Date | Amount | Check No. |
|---------|--------|-----------|
| 1-16-76 | 13 95 | 182 |

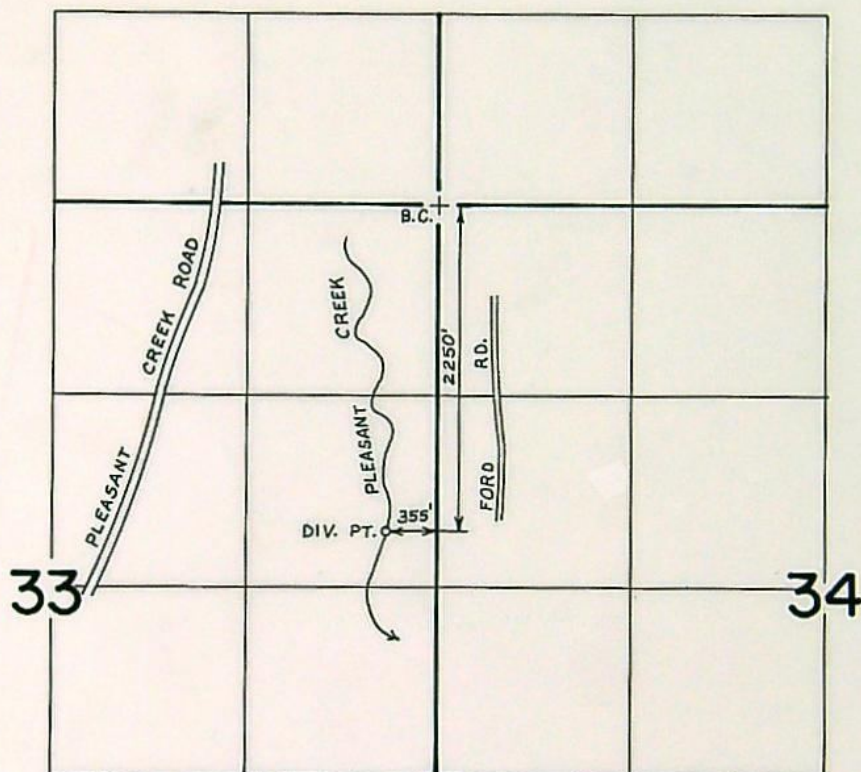
Fees 15 -
15 -
30 -

REMARKS

See T-3064
3017
3073
3102
2552
3304
3325
See map in file 3017
relative to Decree of Court
Vol 17 P 275

| INDEX CARDS: | Entered | Checked |
|------------------------|-----------|-----------|
| <u>WA</u> Name | <u>✓</u> | <u>✓</u> |
| <u>WA</u> Stream | <u>✓</u> | <u>✓</u> |
| <u>WA</u> Pt. of Div. | <u>✓</u> | <u>✓</u> |
| <u>WA</u> Calendar | <u>✓</u> | <u>✓</u> |
| CHECKED TO RECORDS: | | |
| <u>WA</u> Twp. & Rge. | <u>WA</u> | <u>WA</u> |
| <u>WA</u> Decree-vault | <u>WA</u> | <u>WA</u> |
| <u>WA</u> Decree-ante | <u>WA</u> | <u>WA</u> |
| <u>WA</u> Cert. of W/R | <u>WA</u> | <u>WA</u> |
| <u>WA</u> Per. Folder | <u>WA</u> | <u>WA</u> |
| <u>WA</u> Chaindex | <u>WA</u> | <u>WA</u> |
| <u>WA</u> Cross Ref. | <u>WA</u> | <u>WA</u> |
| <u>WA</u> Power Chain | <u>WA</u> | <u>WA</u> |
| <u>WA</u> Abstracts | <u>WA</u> | <u>WA</u> |

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



SCALE: 4" = 1 MILE

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3062

Application No. Permit No.

IN NAME OF

.....**THOMAS V. & CORA A. MOODY**.....

Surveyed **DEC. 13, 1983**, by **B. S. JAMES**.....

SUPERSEDED

CERTIFICATE NO.

44087

~~Cert. No.~~

9.13.51

7

(1998)

• SD/ULV ~~FLP~~ ~~FLP~~

1. SP. M. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839.

॥ श्रीगणेशाय नमः ॥

1 Sp. of *Chrysomelidae*
(*Chrysomelidae*)

54 ~~CONFIDENTIAL~~

1 Sp. U. 128 p. 100

4

Sp. Or. V..... p.....

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Thomas V. and Cora A. Moody
WALTER D. & DIODORA D. SELLERS

$$100 \times \frac{100}{100} = 100$$

2560 Pleasant Creek Rd. State of

to the use of the waters of **Regua River**, State of **Oregon**

Pleasant Creek -

a tributary of **Evans Creek** ✓

irrigation of ~~30.0~~ acres. ^{ng} 2.7 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon, in and for said County; and the said decree entered of record at Salem, in the County of Washington, Oregon.

the STATE ENGINEER, in Volume A, at page 1; that the priority of the

confirmed dates from 1875 ✓

for the purpose of

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 ~~0.30~~ 0.04 cubic foot per second

The point of diversion is located in the ³³SE¹ NE¹, Section 25, T. 34 S., R. 4 W., W. M.
2250' S & 355' W from NE Cor. See 33

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

9.9 acres MAT MAT
11.2 acres SAT MAT 2.6 acres
(4) Section 34

... ..

7.5 acres NE 1/4 NE 1/4

1.4 acres 50% H&A 0.1 acre
Section 22

(5) T. 36 S. 4 R. 6 W. 4 N. 2

(The page number 108 is visible at the top right corner.)

* Ch Pt 1 Dis for 3.4 ac
Sp 01. Vol 25 p 57 Tr 3017

This certificate is issued to confirm a change in point of diversion approve by an order of the Water Resources Director 11/29/76, and together with certificates 44082, 47899, 47900, 47901, 47902, 2nd No., and 3rd No. supercedes certificate 40372, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

Recorded in State Record of Water Right Certificates, Volume 52, page 40377

C-57601

Gets 1st Number
(Original Get 16137)

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF THOMAS V. AND CORA A. MOODY FOR
THE APPROVAL OF A CHANGE IN PLACE
OF USE OF WATER FROM PLEASANT
CREEK

ORDER APPROVING
TRANSFER NO. 3062

On June 11, 1974, Thomas V. and Cora A. Moody 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 0.04 cubic foot per second from Pleasant Creek for the irrigation of 0.1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, and 2.6 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.

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 applicants herein, owners of the lands above described, propose to change, without loss of priority, the point of diversion to a point located 250 feet North and 310 feet West from the East quarter-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 22, 29 and November 5, 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 0.04 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.

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 Thomas V. and Cora A. Moody confirming the change in point of diversion.

Dated at Salem, Oregon, this 29th day of November, 1976.

/s/ JAMES E. SEXSON
Director

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

Notice is given hereby that Thomas V. and Cora A. Moody have 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 Dolenda B. Sellers for the use of the waters of Pleasant Creek for the irrigation of, among other lands, 0.1 acre in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 33 and 2.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 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 $\frac{1}{4}$ corner of Sec. 28, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 34 S., R. 4 W., W.M.

The applicants herein, owners of the lands above described, proposes to irrigate these lands from a point of diversion to be located 250 ft. N. and 310 ft. W. from the E $\frac{1}{4}$ corner of Sec. 33, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of 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 Dec. 16, 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 Thomas V. and Cora A. Moody, 2560 Pleasant Ck. Rd., Rogue River, Or., 97537, and one copy filed with the Water Resources Director, Salem, Or., 97310, 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 17th day of October, 1975.

JAMES E. SEXSON
Water Resources Director

Affidavit of Publication

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 - Moody

_____ a printed 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. 22, 29, Nov. 5, 1975

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

Evalynne D. Smith

Subscribed and sworn to before me this 5th day of Nov., 1975

James J. Osborn
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1977