

STATUS OF APPLICATION

Change in point of diversion
 Date filed 6-14-74
 Date of hearing 12-18-75
 Place of hearing Medford
 Date of order 11-29-76 Vol. 28, page 144
 Date for application of water 10-1-78
 Proof mailed _____
 Proof received _____
 Certificate issued **APR 30 1979** Vol. 41, page **47900**

to survey 9/77

DESCRIPTION OF WATER RIGHT

Name of stream Pleasant Creek
 Trib. of _____ County of Jackson
 Use irrigation
 Quantity of water _____ No. of acres 3.34
 Name of ditch Lower Wapman Ditch
 Date of priority 1875
 In name of Walter D. & Diakanda B. Sellers
Order Correcting Vol 17 page 275
Regue 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. |
|--------------|------------------------|-------------|
| 6-14-74 | 41027 30.00 | 41027 |
| 6-14-74 | 45.00 P.O.N. | 41028 |
| TOTAL . . . | 2.00 | |
| 1-16-76 | Cert. Fee | 41028 |
| Mail Tribune | 28 09 | |

FEES REFUNDED

| Date | Amount | Check No. |
|---------|--------|-----------|
| 1-16-76 | 14 91 | |

Fees
 Ex 15 -
 P.O.D 15 -
 30 -

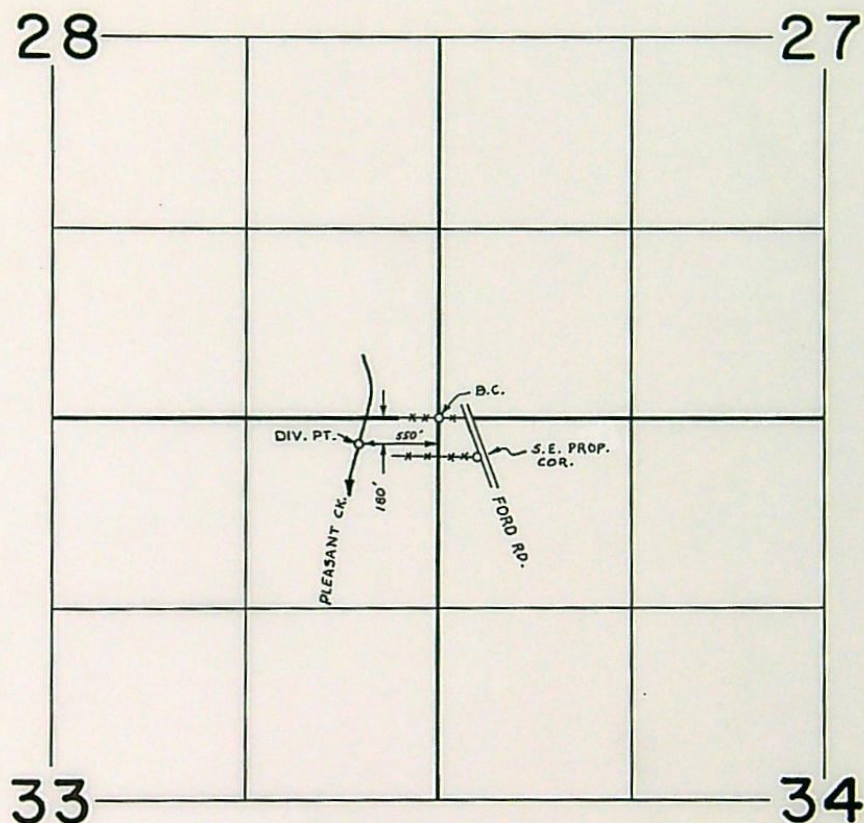
REMARKS

3017
 See T-3073
 3102
 3062
 2552
 3304
 3325

See map in File No Tr. 3017
 relative to Decree of Court
 Vol 17 P. 275

| INDEX CARDS: | | Entered | Checked |
|---------------------|--------------|---------|---------|
| WA | Name | ✓ | |
| WA | Stream | ✓ | |
| WA | Pt. of Div. | ✓ | |
| WA | Calendar | ✓ | |
| CHECKED TO RECORDS: | | | |
| ✓ | Trp. & Sgn. | ✓ | |
| ✓ | Decree-vault | ✓ | |
| ✓ | Decree-safe | ✓ | |
| ✓ | Cert. of W/R | ✓ | |
| | Per. Folder | | |
| | Chaindex | | |
| | Cross Ref. | | |
| | Power Claim | | |
| | Abstracts | | |

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



FINAL PROOF SURVEY
UNDER

Application No. TR-3064 Permit No.
IN NAME OF

GORDON E. & FRANCES M. WARD

Surveyed APR. 11 1978, by B. SUND

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

GORDON E. & FRANCES M. WARD

of 16981 Ford Rd., Rogue River, State of Oregon, 97537, has
a right to the use of the waters of Pleasant Creek

a tributary of Evans Creek for the purpose of
irrigation of 3.3 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 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 0.055 cubic foot per second

The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, T. 34 S., R. 4 W., W. M., 180 feet South and 550 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:

1.4 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 34
1.9 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 33
T. 34 S., R. 4 W., W. M.

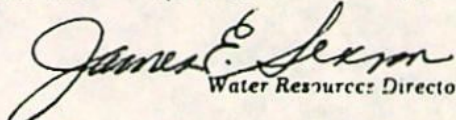
This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered November 29, 1976 and together with certificates of water rights recorded on pages 47899, 47901, 47902, Volume 41 and page 44082, Volume 36, State Record of Water Right Certificates, 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 47900

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF GORDON E. AND FRANCES M. WARD
FOR THE APPROVAL OF A CHANGE IN
POINT OF DIVERSION OF WATER FROM
PLEASANT CREEK

ORDER APPROVING
TRANSFER NO. 3064

On June 14, 1974, Gordon E. and Frances M. Ward 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 0.055 cubic foot per second from Pleasant Creek for irrigation of 1.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, and 1.4 acres in NW $\frac{1}{4}$ 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 120 feet South and 540 feet West from the Northeast corner of Section 33, being within the NE $\frac{1}{4}$ 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 27, November 3 and 10, 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 0.055 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.

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 Gordon E. and Frances M. Ward 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 Gordon E. and Frances M. Ward 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 Dollenda B. Sellers for the use of the waters of Pleasant Creek for the irrigation of 1.9 acres in NE 1/4 NE 1/4, Sec. 33, and 1.4 acres in NW 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 120 ft. S. and 540 ft. W. from the NE corner of Sec. 33, being within the NE 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 18, 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 Gordon E. and Frances M. Ward, 322 N. Niagara, Burbank, Calif. 91505, 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

RECEIVED

NOV 14 1975

Affidavit of Publication WATER RESOURCES DEPT.
SALEM, OREGON

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 - - Gordon E. Ward

_____ 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. 27, Nov. 3, 10, 1975

ORDER SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED

Evalynne D. Smith

Subscribed and sworn to before me this 10th day of Nov., 19 75

James E. Sexson

NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 19 77