

080 Richard O. Ra  
C. O. Rocky Ward  
9495 F Evans Creek  
R. Evans Creek

3086

Head  
one R.R. cut

STATUS OF APPLICATION

Change in point of diversion  
Date filed 7-9-74  
Date of hearing June 4, 1975  
Place of hearing Mulford  
Date of order 6-6-75 Vol. 25, page 378  
Date for application of water 10-1-75  
Proof mailed  
Proof received  
Certificate issued APR 21 1976 Vol. 34, page 42922  
SEP 29 1978 39 42922

JAN 22 1987 51  
JAN 22 1987 51

55472  
55473

DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek  
Trib. of \_\_\_\_\_ County of Jackson  
Use irrigation and stock  
Quantity of water \_\_\_\_\_ No. of acres 30<sup>0</sup>  
Name of ditch Williams + Whalen ditch  
Date of priority 1896  
In name of Wm Waggoner + Ed E. Dimmick  
Rogue River Adjudication, Vol. 16, page 379  
Findings 13 379  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 16118 -x

Certificate cancelled  
Notation made on record by \_\_\_\_\_

REMARKS

See Transfer No 2968 for balance of right which was evidenced by C-16118

FEES PAID

Date	Amount	Receipt No.
7-9-74	30.00	41887
7-9-74	45.00	41888
TOTAL . . .		
4-28-75	4.50 Cert. Fee	CRAM PON 41888

FEES REFUNDED

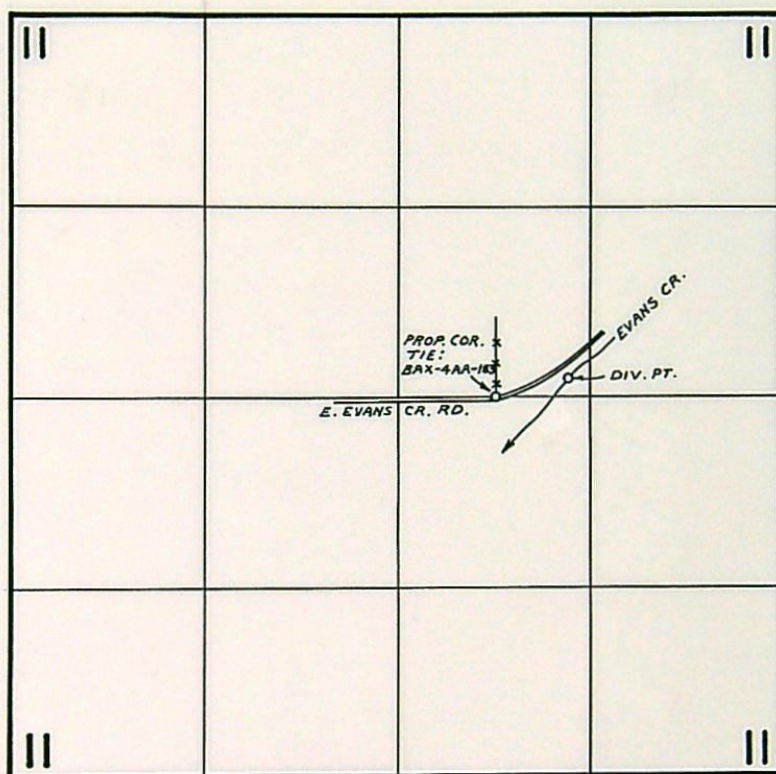
Date	Amount	Check No.
4-28-75	\$ 11.93	6298

INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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"/>	Deed-vault(2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Deed-safe(2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Cert. of W/R(2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Per. Folder	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Chaindex	<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"/>

607



T. 35 S., R. 4 W., W.M.



DIV. PT. LOC.: 120' N. AND 1160' E. FROM C 1/4 COR. SEC. 11

Scale 4" = 1 mile

# FINAL PROOF SURVEY UNDER

Transfer no. 3086

Application No. .... Permit No. ....  
IN NAME OF

.....ROCKY.....WARDLE.....

Surveyed Aug. 7, 1980, by R. SUND.....



BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION  
OF RICHARD O. RHOTEN FOR THE  
APPROVAL OF A CHANGE IN POINT OF  
DIVERSION OF WATER FROM EVANS CREEK  
-----

ORDER APPROVING  
TRANSFER NO. 3086

On July 9, 1974, Richard O. Rhoten 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, water rights were established in the names of William Waggoner and Ed E. Dimmick for the use of the waters of Evans Creek for stock and irrigation of, among other lands, 10.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 20.0 acres in the W $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 11, Township 35 South, Range 4 West, W.M., with a date of priority of 1896, as evidenced by certificates of water right recorded at Page 16118, Volume 13, and Page 32768, Volume 24, State Record of Water Right Certificates. These lands are irrigated by means of the Williams and Whalen ditch from a point of diversion located 475 feet North and 860 feet West from the Southeast corner of Section 6, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, Township 35 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 410 feet South and 650 feet East from the center corner of Section 11, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 11, 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



ALL COTTON

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 7, 14 and 21, 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 475 feet North and 860 feet West from the Southeast corner of Section 6, being within the  $SE\frac{1}{4}$   $SE\frac{1}{4}$  of Section 6, Township 35 South, Range 3 West, W.M.

To a point to be located 410 feet South and 650 feet East from the center corner of Section 11, being within the  $NW\frac{1}{4}$   $SE\frac{1}{4}$  of Section 11, Township 35 South, Range 4 West, W.M.

for stock use and irrigation of 10.0 acres in  $SE\frac{1}{4}$   $NW\frac{1}{4}$  and 20.0 acres in  $W\frac{1}{2}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$ , Section 11, Township 35 South, Range 4 West, W.M., with a date of priority of 1896, 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 0.195 cubic foot per second under certificate No. 16118 and 0.33 cubic foot per second under certificate No. 32768, State Record of Water Right Certificates.

ALL COTTON



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 William Waggoner and recorded at page 16118, Volume 13, and Ed E. Dimmick, recorded at page 32768, Volume 24, State Record of Water Right Certificates, are canceled, and in lieu thereof new certificates 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 Richard O. Rhoten confirming the change in point of diversion.

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

/s/ CHRIS L. WHEELER  
State Engineer

Gibson Union Skin

MILLERS FALLS

ALL COTTON



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF CANCELLATION )  
OF PORTIONS OF WATER RIGHTS IN )  
THE NAME OF WM. W. WILLIAMS )  
AND WILLIAM WAGGONER )

O R D E R

On October 15, 1979, Rene L. and Mary A. Charlebois submitted an affidavit that they are the owners of certain water rights and the lands to which the water rights are appurtenant; that they have abandoned any and all interest in and to the said water rights and request the same be canceled.

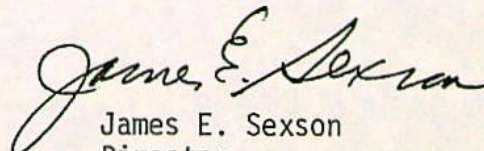
The water rights in question were established by Decree of Circuit Court for Jackson County, entered April 26, 1919, in the Matter of the Determination of the Relative Rights of the Use of the Waters of Rogue River, tabulated in the name of Wm. W. Williams and William Waggoner, at Page 17, Volume 4, Order Record of the Water Resources Director, and are portions of the rights described by the certificates respectively recorded at Pages 16117 and 16118, Volume 13, State Record of Water Right Certificates, and are for the use of not to exceed 0.01 cubic foot per second of water per each water right from Evans Creek, with dates of priority of 1896, for domestic use in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 11, Township 35 South, Range 4 West, W.M.

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."

An administrative order of the Water Resources Director approving transfer application No. 2968 provides for cancellation of the certificates recorded at Page 16117 and 16118, Volume 13, State Record of Water Right Certificates.

NOW, THEREFORE, it is hereby ORDERED that the said water rights, being a portion of the rights described by the prior certificates recorded at Pages 16117 and 16118, Volume 13, State Record of Water Right Certificates, are canceled.

Dated at Salem, Oregon, this 26th day of December, 1979.

  
James E. Sexson  
Director



## STATE OF OREGON

COUNTY OF

JACKSON

Documented by 43922 +

T-3086

Sp. Or. V. 25, p. 278  
(7-3-86)

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That RICHARD O. PHOTEN  
ED E. DUFFICK,

% Rocky Wandle 9495 E. Evans Creek Rd

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 21.0 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 1896;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 0.35 cubic foot per  
second, if available at the original point of diversion;

Williams &amp; Whalen Ditch - 475' N &amp; 860' W from SE cor Sec 6 T35S R3W W.M.

The point of diversion is located in the SE 1/4 Section 6, T. 35 S., R. 3 W., W.M.

120' N &amp; 1160' E from C/4 cor Sec 11

A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:1.0 acre in 1/4 NW 1/4 NE 1/4  
20.0 acres in 1/2 SW 1/4 NE 1/4  
Section 11,  
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 6-6-75 and together  
with supersedes certificate of water right recorded at page 46567,  
Volume 39, State Record of Water Right Certificates, supersedes cert. 32760The 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.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32760

55472

8166D



Cont'd.  
BC

STATE OF OREGON

COUNTY OF JACKSON

49968  
Sept. 12, 1979  
(T. 35S)  
Sp. Or. Vol. 32 p. 606

T-3086

CERTIFICATE OF WATER RIGHT

This Is to Certify, That RICHARD O. RHOTEN

Rocky Wandle 9495 E. Evans Creek Rd  
of Nordhoff Rogue River Co 97537 State of California, has a right to the use of  
the waters of Evans Creek, a tributary of Rogue River  
for the purpose of irrigation of 20 acres, and Domestic and Stock Use

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 4, at page 1; that the priority of the right thereby  
confirmed dates from 1896;

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 6.39 cubic foot per  
second, if available at the original point of diversion, 0.195

Williams & Whalen Ditch - 475' N & 860' W from SE cor sec 6 T 35S, R 3W, W 1/4

A description of the lands irrigated under such right, and to which the water is appurtenant (or,  
if for other purposes, the place where such water is put to beneficial use), is as follows:

10.0 20 acres in SE 1/4 NW 1/4  
Section 11,  
T. 35 S., R. 4 W., W. 1/4.

Partially CANCELLED  
Vol. 4 p. 606

This certificate is issued to confirm a change in place of use and point  
of diversion approved by an order of the Water Resources Director entered  
6-6-75 and together with certificate of water right recorded at page  
48968, Volume 42, SRWRC supersedes certificate of water right recorded at  
at page 16118, Volume 13, SRWRC. Cancellation order entered 12-26-79 Special Order Vol. 32 p 606

The issuance etc

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 30 day of September, 1979.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16118

55473

8167D

POP CA Sec 11 T35S R4W W1/4  
120' N & 1160' E From L1/4 cor Sec 11



## STATE OF OREGON

COUNTY OF

JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That ED E. DIMMICK,

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

, State of Oregon , has a right

a tributary of Rogue River

for the purpose of

domestic, stock and irrigation of 1.0 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 1896;

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 0.35 cubic foot per second.

The point of diversion is located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, T. 35 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:

1.0 acre in W $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$   
~~20.0 acres in W $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$~~   
 Section 11,  
 T. 35 S., R. 4 W., W.M.

An order of the State Engineer entered June 6 1975, approved a change in point of diversion for the irrigation of 20.0 acres. This certificate is issued to confirm the remaining right, <sup>not involved in the change</sup> and supersedes the certificate heretofore issued to Ed E. Dimmick ~~and~~ recorded at page 32768, State Record of Water Right Certificates.

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~~, affixedthis date January 5, 19 ~~76~~~~CHRIS L. WHEELER~~

State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32768

C-42922

C-46567



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That William Waggoner

of Nordhoff, State of California, has a right to the use of  
the waters of Evans Creek, a tributary of Rogue River  
for the purpose of irrigation of <sup>10.0</sup>~~20~~ acres ~~and Domestic~~ and Stock Use

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 4, at page 1; that the priority of the right thereby  
confirmed dates from 1896;

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 ~~0.39~~ cubic foot per  
second. <sup>0.185</sup>

A description of the lands irrigated under such right, and to which the water is appurtenant (or,  
if for other purposes, the place where such water is put to beneficial use), is as follows:

<sup>10.0</sup>  
~~20~~ acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 11,  
T. 35 S., R. 4 W., W. M. T

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 30 day of September, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13 W, page 16118

48968



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That ED E. DIMMICK,

of 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 1.0 acre

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 1896

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 ~~0.35~~ cubic foot per second. 0.02

The point of diversion is located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, T. 35 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:

1.0 acre ~~1/4~~ W $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 11  
T. 35 S., R. 4 W., W. M.

An order of the State Engineer entered June 6, 1975, approved a change in point of diversion for the irrigation of 20.0 acres. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to Ed E. Dimmick recorded at page 32768, State Record of Water Right Certificates.

*This certificate is issued to supersede certificate of water right recorded on page 42922, Vol. 34, SRWRC, so as to correctly describe the quantity of water.*

*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 21,~~ 1976

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 34 , page 42922