

1-84 by me w/ Eliza L. Henshaw
w/ Agent T. J. Black
P.O. 768, Kelly Cove, N.S.

21

3138

STATUS OF APPLICATION

Change in point of diversion
Date filed 10-8-74
Date of hearing 1-6-76
Place of hearing Mudford
Date of order 2-3-76 Vol. 26, page 340
Date for application of water 10-1-76
Proof mailed
Proof received
Certificate issued AUG 30 1976 Vol. 35, page 43530
JAN 14 1997 73986

DESCRIPTION OF WATER RIGHT

Name of stream Rogue River
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 2 6
Name of ditch Dennis Johnson & Hall Ditch
Date of priority July 5, 1928
In name of Thos. J. Johnson
_____ Adjudication, Vol. _____, page _____
App. No. 12171 Per. No. 8572 Cert. No. 36143
Certificate cancelled
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>10-8-74</u>	<u>30.00</u>	<u>43263</u>
<u>10-8-74</u>	<u>45.00 P.O.N</u>	<u>43264</u>
TOTAL . . .	<u>\$4.00</u>	
<u>1-16-76</u>	<u>Cert. Fee</u>	<u>43264</u>

FEES REFUNDED

Date	Amount	Check No.
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REMARKS

Original map in T-3144

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Checked
	Entered		
<input checked="" type="checkbox"/> Name	<u>AW</u>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Stream	<u>AW</u>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Pt. of Div.	<u>WH</u>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Calendar	<u>WH</u>	<input checked="" type="checkbox"/>	
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/> Twp. & Rge.	<u>AW</u>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Decree-vault	<u>AW</u>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Decree-sale	<u>AW</u>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Cert. of W/R	<u>AW</u>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Per. folder	<u>AW</u>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Chainindex	<u>AW</u>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Cross Ref.	<u>AW</u>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Power Claim	<u>AW</u>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Abstracts	<u>AW</u>	<input checked="" type="checkbox"/>	

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STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LEON L. EVANS
C/O WAGON WHEEL TRAILER PARK
20727 HWY 62
SHADY COVE, OR 97539

confirms the right to use the waters of ROGUE RIVER, a tributary of PACIFIC OCEAN, for IRRIGATING 2.6 ACRES.

This right was perfected under Permit 8572. The date of priority is JULY 5, 1928. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.032 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 2 (SE 1/4 NE 1/4), SECTION 21, T 34 S, R 1 W, W.M.; 360 FEET NORTH AND 1340 FEET WEST FROM THE EAST 1/4 CORNER SECTION 21.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

LOT 2 (SE 1/4 NE 1/4) 2.6 ACRES
SECTION 21
TOWNSHIP 34 SOUTH, RANGE 1 WEST, W.M.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the wateruser is entitled;

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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

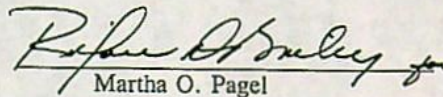
The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water available at the original point of diversion.

SEE NEXT PAGE

T-3138.KDD

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered February 3, 1976, and together with Certificate of water right recorded at page 43580, Volume 35, State Record of Water Right Certificates, supersedes Certificate 36143.

WITNESS the signature of the Water Resources Director, affixed JANUARY 14 ,
1997.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 73986.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF WAYNE W. AND ELIZABETH EASTWOOD)
FOR THE APPROVAL OF A CHANGE)
IN POINT OF DIVERSION)
OF WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 3138

On October 8, 1974, Wayne W. and Elizabeth Eastwood filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Thomas J. Johnson and recorded at Page 36143, Volume 28, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.164 cubic feet per second of water from Rogue River for the irrigation of, among other lands, 2.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 34 South, Range 1 West, W. M., with a date of priority of July 5, 1928. These lands are irrigated by means of the Dennis, Johnson and Hall ditch from a point of diversion located 1320 feet North and 800 feet West from the Southeast corner of Section 16, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Township 34 South, Range 1 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 490 feet North and 1230 feet West from the East quarter-corner of Section 21, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 34 South, Range 1 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 January 6, 1976 at 1:30 P.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 November 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 Rogue River, to wit:

From a point located 1320 feet North and 800 feet West from the Southeast corner of Section 16, being within the $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Section 16, Township 34 South, Range 1 West, W. M.

To a point to be located 490 feet North and 1230 feet West from the East quarter-corner of Section 21, being within the $SE\frac{1}{4}$ $NE\frac{1}{4}$ of Section 21, Township 34 South, Range 1 West, W. M.,

for the irrigation of 2.6 acres in $SE\frac{1}{4}$ $NE\frac{1}{4}$, Section 21, Township 34 South, Range 1 West, W. M., with a date of priority of July 5, 1928, 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 0.032 cubic feet 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 certificate of water right heretofore issued to Thomas J. Johnson and recorded at Page 36143, Volume 28, 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 Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Wayne W. and Elizabeth Eastwood confirming the change in point of diversion.

Dated at Salem, Oregon, this 3rd day of February, 1976.

JAMES E. SEXSON
Director

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That THOS. J. JOHNSON

of Eagle Point, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rogue River

a tributary of Pacific Ocean for the purpose of irrigation of ~~43.2~~ ^{10.6} acres

under Permit No. 8572 of the State Engineer, 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 July 5, 1928;

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 ~~0.164~~ cubic foot per second

0.132

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 $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21; T. 34 S., R. 1 W., W. M.

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:

3.4 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
3.6 ~~6.2~~ acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
3.6 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 21
T. 34 S., R. 1 W., W. M.

An order of the Water Resources Director entered February 3, 1976 approved a change in point of diversion for the irrigation of ^{2.6} 10.6 acres. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to Thomas J. Johnson recorded at page 36143 ^{W. 291}, State Record of Water Right Certificates.

WITNESS the signature of the State Engineer, affixed this date.

July 14, 1969

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 28, page 36143

43580

RECEIVED

NOV 28 1975

WATER RESOURCES DEPT.

SALEM, 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 - Wayne W. Eastwood

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 Nov. 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 Nov., 1975

James E. Sexson
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1977

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

Notice is given hereby that Wayne W. and Elizabeth Eastwood have filed an application for the approval of a change in point of diversion of water from Rogue River.

In the Rogue River Adjudication proceedings a water right was established in the name of Thos. J. Johnson for the use of the waters of Rogue River for the irrigation of, among other lands, 2.6 acres in SE 1/4 NE 1/4, Sec. 21, T. 34 S., R. 1 W., W.M., with a date of priority of July 5, 1928.

These lands are irrigated by means of the Dennis, Johnson and Hall Ditch from a point of diversion located 1320 ft. N. and 800 ft. W. from the SE corner of Sec. 16, being within the SE 1/4 SE 1/4, Sec. 16, T. 34 S., R. 1 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 490 ft. N. and 1230 ft. W. from the E 1/4 corner of Sec. 21, being within the SE 1/4 NE 1/4, Sec. 21, T. 34 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Or. on Jan. 6, 1976, at 1:30 p.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 Wayne W. and Elizabeth Eastwood, c/o agent Gene Bleak, P.O. Box 768, Shady Cove, Or., 97539 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 3rd Day of November, 1975.

James E. Sexson
Director