

BLAKELY

Jeanette Blakely
c/o Jeffrey L. Roberts
14663 E. Evans Ct. Rd
Rogue River, Or 97537
STATUS OF APPLICATION

ASSIGNED

3622

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in POD
Date filed 4-11-77
Date of hearing 2-19-77
Place of hearing Medford
Date of order 9-15-77 Vol. 29, page 330
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued SEP 08 2017 Vol. _____, page 93320

Name of stream Evans Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 11^e
Name of ditch Carter Ditch
Date of priority _____
In name of _____
Adjudication, Vol. _____, page _____
App. No. 9287 Per. No. 6124 Cert. No. 7486
6321 3937 3243
Certificate cancelled _____
Notation made on record by _____

Date	Amount	Receipt No.
4-11-77	85.00	59652
10/1/07	50.00	89965
TOTAL . . .		
	No Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
8/29/77	15.24	1437
	Rec'd	85-
	Exam 20	
	POD 15	(35-)
	PON	(34 76)
	Refund	1524

REMARKS

CARD FOR C. DEC 26 1979

Assignment: 10/01/2007

DAVID NORTON
ELLEN GREGORY

45050 CAMARON RD
TEMECULA CA 92590

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg</u>	_____
<input checked="" type="checkbox"/> Stream	<u>lg</u>	_____
<input type="checkbox"/> Pt. of Div.	_____	_____
<input type="checkbox"/> Calendar	<u>lg</u>	_____
CHECKED TO RECORDS:		
<input type="checkbox"/> Twp. & Rge.	_____	_____
<input type="checkbox"/> Decree-vault	_____	_____
<input type="checkbox"/> Decree-safe	_____	_____
<input type="checkbox"/> Cert. of W/R	_____	_____
<input checked="" type="checkbox"/> Per. Folder	<u>lg</u>	_____
<input type="checkbox"/> Chainindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input type="checkbox"/> Power Claim	_____	_____
<input checked="" type="checkbox"/> Abstracts	<u>lg</u>	_____

CCB

JEFFREY L. ROBERTS
14663 E. EVANS CR. RD.
ROGUE RIVER, OREGON
97537

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID NORTON
ELLEN GREGORY
14663 EAST EVANS CR RD
ROGUE RIVER OR 97537

confirms the right to the use of water perfected under the terms of Permit S-3937. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: EVANS CREEK, A TRIBUTARY OF ROGUE RIVER

PURPOSE OR USE: IRRIGATION OF 1.0 ACRE

MAXIMUM RATE: 0.01 CUBIC FOOT PER SECOND

DATE OF PRIORITY: NOVEMBER 8, 1918

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	3 W	WM	4	NW NW	530 FEET SOUTH AND 1290 FEET EAST FROM NW CORNER, SECTION 4

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 is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	3 W	WM	4	NW NW	1.0

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 described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	3 W	WM	34	SE SW	CARTER DITCH - 1200 FEET NORTH AND 1450 FEET EAST FROM SW CORNER, SECTION 34

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

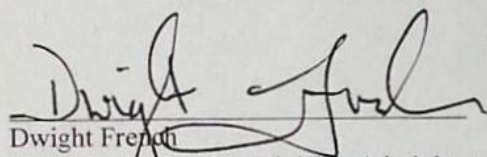
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled;

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.

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

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered September 15, 1977, at Special Order Volume 29, Page 330, approving Transfer Application T-3622, and supercedes Certificate 32145, State record of Water Right Certificates.

Issued SEP 08 2017

A handwritten signature in dark ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID NORTON
ELLEN GREGORY
14663 EAST EVANS CR RD
ROGUE RIVER OR 97537

confirms the right to the use of water perfected under the terms of Permit S-6124. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: EVANS CREEK, A TRIBUTARY OF ROGUE RIVER

PURPOSE OR USE: IRRIGATION OF 10.0 ACRES

MAXIMUM RATE: 0.13 CUBIC FOOT PER SECOND

DATE OF PRIORITY: DECEMBER 1, 1923

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	3 W	WM	4	NW NW	530 FEET SOUTH AND 1290 FEET EAST FROM NW CORNER, SECTION 4

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

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, or its equivalent in case of rotation.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	3 W	WM	4	NW NW	10.0

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 described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	3 W	WM	34	SE SW	CARTER DITCH - 1200 FEET NORTH AND 1450 FEET EAST FROM SW CORNER, SECTION 34

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

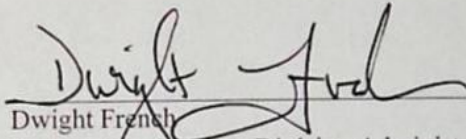
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled;

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.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

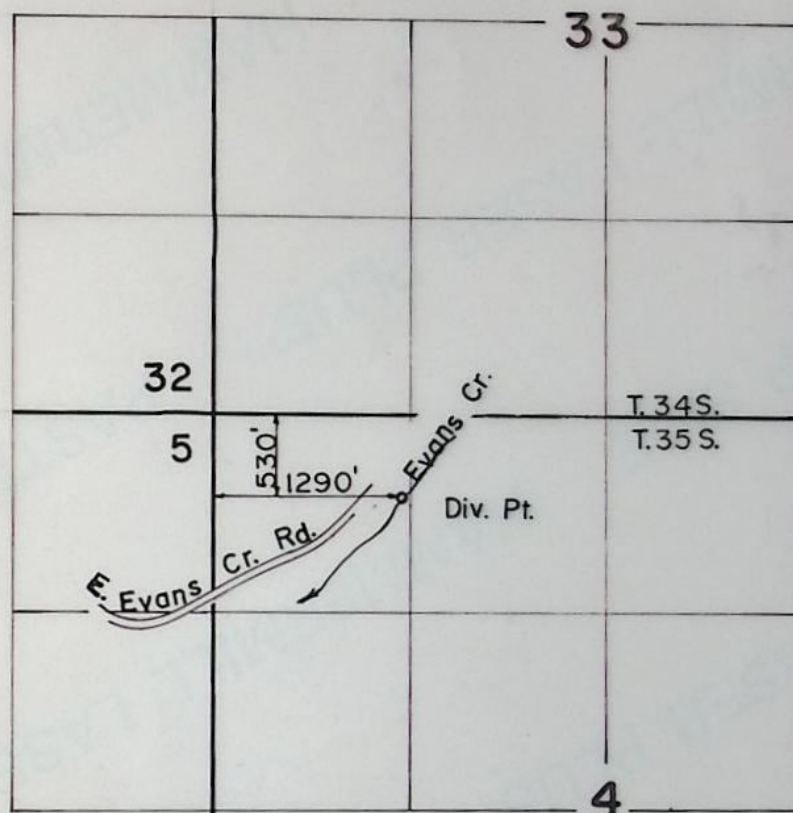
This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered September 15, 1977, at Special Order Volume 29, Page 330, approving Transfer Application T-3622, and supercedes Certificate 7486, State record of Water Right Certificates.

Issued SEP 08 2017

A handwritten signature in dark ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

T. 34 & 35 S., R. 3 W., W. M.



Scale: 1" = 1320'

FINAL PROOF SURVEY

UNDER

TRANSFER NO. 3622

Application No. Permit No.
IN NAME OF

..... JEFFREY L. ROBERTS

Surveyed JUN...9... 19.8.7, by B...S...JAMES...

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That M. M. & MARJORIE D. TOOTHMAN &
GERUSHA SMITHPETER
c/o F. Blakely, Route 1, Box 108-A
of Route 1, Box 104, Rogue River, 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
Evans Creek

a tributary of Rogue River
irrigation of one acre

for the purpose of

under Permit No. 3937 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 November 8, 1918

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
0.01 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the

Carter Ditch

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 - - - - - 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:

1.0 acre NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 4
T. 35 S., R. 3 W., W. M.

Certificate of water right issued to D. F. Neathamer and recorded at page 3243,
Volume 4, State Record of Water Right Certificates, confirms a right to the
use of water for irrigation of 23.0 acres. Subsequently, the right to the use
of water appurtenant to 22.0 acres was transferred by order of the State
Engineer entered August 14, 1956. This certificate is issued to confirm the
remaining right to the use of water for irrigation and supersedes the certificate
heretofore issued to D. F. Neathamer.

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. April 20, 1965

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32145

STATE OF OREGON

WATER DIVISION NO.

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That D. F. NEATHAMER

of Rogue River, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Evans Creek, a tributary of Rogue River, for the purpose of the irrigation of 23 acres of land

under Permit No. 3937 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 389, on the 13th day of April, 1921; that the priority of the right hereby confirmed dates from November 8, 1918; 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 0.30 cubic feet per second, or its equivalent in case of rotation. The use hereunder shall conform to any reasonable rotation system ordered by the proper State Officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 1 acre in the Northwest quarter of Northwest quarter of Section Four; 9 acres in the Northeast quarter of Northeast quarter; 3 acres in the Northwest quarter of Northeast quarter; 4 acres in the Southwest quarter of Northeast quarter and 6 acres in the Southeast quarter of Northeast quarter of Section Five, Township Thirty-five South, Range Three West of Willamette Meridian, in Jackson County, Oregon.

Ch. in Place of use for 22 ac. in
Sec 5 - Sec Sp. Or Vol. 9, p. 20
(W-72)

Ch. pt. of div.
Vol. 14, p. 119 (S-167)

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE

WATER BOARD affixed this 13th day

of April, 1921.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER
State Engineer, President

Attest: R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, Page 3243

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF J. H. WOOD FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM EVANS CREEK.)

O R D E R

APPROVING APPLICATION

On July 18, 1956, J. H. Wood of Route 1, Box 103, Rogue River, Oregon, filed an application for the approval of a change in place of use of water from Evans Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to D. F. Neathamer and recorded at page 3243, Volume 4, State Record of Water Right Certificates, confirms a right under Permit No. 3937 to the use of the waters of Evans Creek for the irrigation of, among other lands, 9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 4 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 6 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W. M., with a date of priority of November 8, 1918. These lands lie below and are irrigated from the Carter ditch.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 17 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W. M., which lands lie above the Carter ditch.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on applications for a change in place of use of water only.

Mr. David C. Hendrix, Watermaster of District No. 15, has filed a report to the effect that the proposed change in place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from Evans Creek be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 4 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 6 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W. M., with a date of priority of November 8, 1918, be severed therefrom and without loss of priority transferred to 17 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on the lands to which it is transferred hereby on or before October 1, 1957 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to J. H. Wood or his successor in interest, to the extent to which the water has been applied and certificate of water right heretofore issued to D. F. Neathamer and recorded at page 3243, Volume 4, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon this 14th day of August 1956.

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

STATE OF OREGON
COUNTY OF JACKSON220 AC
500 5

CERTIFICATE OF WATER RIGHT

CF
(5-167)
W-72)

This Is to Certify, That LEROY M. SINSABAUGH

of Route 1, Box 103, Rogue River, State of Oregon, 97537, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Evans Creek

a tributary of Rogue River
irrigation of 22.0 acres

for the purpose of

under Permit No. 3937 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 November 8, 1918

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 0.29 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, T. 35 S., R. 3 W., W. M., 1625 feet South and 1805 feet West from NE Corner, Section 5.

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 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:

17.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
5.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 5
T. 35 S., R. 3 W., W. M.

This certificate is issued to confirm a change in place of use and point of diversion approved by orders of the State Engineer entered August 14, 1956 and April 22, 1965 and together with the certificate recorded at page 32145, Volume 24, supersedes certificate of water right heretofore issued to D. F. Neathamer and recorded at page 3243, Volume 4, State Record of Water Right Certificates.

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. May 24, 1974

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 32, page 40377

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

Xfer 5-167

V14 P119

IN THE MATTER OF THE APPLICATION)
OF LEROY M. SINSABAUGH FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM EVANS)
CREEK)

ORDER APPROVING
TRANSFER NO. S-167

On October 14, 1964, LeRoy M. Sinsabaugh of Rogue River, Oregon, 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.

Certificate of water right issued to John, Mark and L. A. Neathamer and recorded at page 7487, Volume 7, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.31 cubic foot per second of water from Evans Creek for irrigation of 17.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 8.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923.

23.0
AC

Certificate of water right issued to D. F. Neathamer and recorded at page 3243, Volume 4, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 0.30 cubic foot per second of water from Evans Creek for the irrigation of 1.0 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, 9.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 6.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of November 8, 1918. Subsequently, by Order of the State Engineer, entered August 14, 1956, the right for the use of 0.29 cubic foot per second for the irrigation of 22.0 acres under this right was transferred from 9.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 6.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, to 17.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 5.

All of the above lands are irrigated through the Carter Ditch, the point of diversion being located 1200 feet north and 1450 feet east from the

△ POD
for SEC
5
lands

southwest corner of Section 34, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 34, Township 34 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, with the exception of 1.0 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, proposes to irrigate these lands by means of a pumping plant, the point of diversion to be located 1625 feet south and 1805 feet west from the northeast corner of Section 5, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 5, Township 35 South, Range 3 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 from Evans Creek, if any there were, namely: at the County Courthouse in Medford, Oregon, on April 8, 1965, 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 February 8, 15 and 22, 1965. 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 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 proposed change in point of diversion of water from Evans Creek, to-wit:

From a point located 1200 feet north and 1450 feet east from the southwest corner of Section 34, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 34, Township 34 South, Range 3 West, W.M.

To a point to be located 1625 feet south and 1805 feet west from the northeast corner of Section 5, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 5, Township 35 South, Range 3 West, W.M.

for the irrigation of 17.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 8.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923, and 17.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 5, with a date of priority of November 8, 1918, 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, 1966.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall not exceed 0.60 cubic foot per second of water.

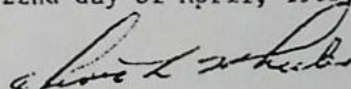
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 John, Mark and L. A. Neathamer and recorded at page 7487, Volume 7, State Record of Water Right Certificates, is canceled, 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 LeRoy M. Sinsabaugh confirming said change in point of diversion and the change in place of use of water authorized by Order of the State Engineer, entered August 14, 1956.

Dated at Salem, Oregon, this 22nd day of April, 1965,



CHRIS L. WHEELER
State Engineer

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE PARTIAL)
CANCELLATION OF CERTIFICATE 40377 FOR) FINAL ORDER PARTIALLY
USE OF WATER FROM EVANS CREEK FOR) CANCELING WATER RIGHT
IRRIGATION OF 17.0 ACRES, JACKSON)
COUNTY, OREGON) WRD Case No. PC-02-14
)

FINDINGS OF FACT

Certificate

1. Water Right Certificate 40377, in the name of Leroy M. Sinsabaugh, authorizes the use of 0.29 cubic feet per second (cfs) of water from Evans Creek, tributary to the Rogue River for irrigation of 22.0 acres, being 17.0 acres in the NE1/4 NE1/4 and 5.0 acres in the NW1/4 NE1/4, Section 5, Township 35 South, Range 3 West, Willamette Meridian (W.M.). The point of diversion is located in the SW1/4 NE1/4, Section 5, Township 35 South, Range 3 West, W.M., 1625 feet South and 1805 feet West from the NE Corner of Section 5. The priority date is November 8, 1918.

Affidavits Alleging Non-use

2. On June 16, 2014, Bruce G. Buckmaster and Jacqueline A. Buckmaster submitted affidavits alleging non-use of water right evidenced by Certificate 40377 for irrigation on 17.0 acres from May 2008 through January 2014, establishing a rebuttable presumption of forfeiture.

Notice of Proposed Cancellation

3. A Notice of Proposed Partial Cancellation of Water Right was lawfully served by certified mail return receipt to the owners of record, and occupants as applicable, of the real property to which Certificate 40377 is appurtenant in Section 5, Township 35 South, Range 3 West, W.M., Jackson County, Oregon on July 11, 2014. This notice was defective.
4. A Revised Notice of Proposed Partial Cancellation of Water Right was lawfully served by certified mail return receipt to the owners of record, and occupants as applicable, of the real property to which Certificate 40377 is appurtenant in Section 5, Township 35 South, Range 3 West, W.M., Jackson County, Oregon on October 13, 2014. William H. Baquet, Jr. protested the notice on December 12, 2014.
5. The protest was referred to the Office of Administrative Hearings for a contested case hearing on April 6, 2015. The protest was withdrawn on June 29, 2015, and the case was withdrawn from the Office of Administrative Hearings on July 1, 2015.
6. The October 13, 2014 Revised Notice of Proposed Partial Cancellation was found to contain a material error. A 2nd Revised Notice of Proposed Partial Cancellation of Water Right was lawfully served by certified mail return receipt to the owners of record, and occupants as applicable, of the real property to which Certificate 40377 is appurtenant in Section 5, Township 35 South, Range 3 West, W.M., Jackson County, Oregon on October 15, 2015.

7. The portion of Water Right Certificate 40377 proposed to be canceled for non-use is 0.22 cfs of water from Evans Creek, tributary to the Rogue River, for irrigation of 17 acres, being 12.0 acres in the NE1/4 NE1/4 and 5.0 acres in the NW1/4 NE1/4 of Section 5, Township 35 South, Range 3 West, W.M.

Non-response to Notice

8. The Department did not receive a protest and fee with a request for hearing nor any information to rebut the presumption of forfeiture within the time allowed for filing a protest on the 2nd Revised Notice of Proposed Partial Cancellation of Water Right.

Designation of File as Record

9. The Department has designated its file on this matter as the record in this proceeding. The record contains evidence that persuades the Department that a portion of Water Right Certificate 40377 was not used under the terms of the certificate from May 2008 through January 2014.

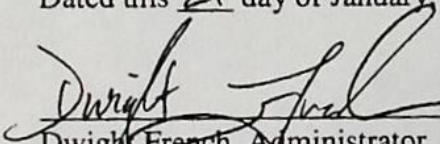
CONCLUSIONS OF LAW

1. A rebuttable presumption has been established that a portion of a perfected and developed water right, Certificate 40377, has been forfeited due to five consecutive years of nonuse. ORS 540.610.
2. The presumption of forfeiture has not been rebutted. ORS 540.610.

ORDER

Now, therefore, it is ORDERED that a portion of Water Right Certificate 40377 is canceled, being .22 cfs of water from Evans Creek, tributary to the Rogue River, for irrigation of 17 acres, being 12.0 acres in the NE1/4 NE1/4 and 5.0 acres in the NW1/4 NE1/4 of Section 5, Township 35 South, Range 3 West, W.M. The priority date is November 8, 1918. Remaining right Certificate 91158 is issued for that portion of the right not affected by this cancellation.

Dated this 21 day of January, 2016.


Dwight French, Administrator, Water Right Services Division, for
Thomas M. Byler, Director
Oregon Water Resources Department

Appeal Rights

This order may be appealed to the Oregon Court of Appeals within 60 days from the date this order was served. ORS 536.075(2); ORS 183.482. If mailed, the date of service is the date the order is mailed. A petition for reconsideration may be filed with Water Resources within 60 calendar days after this order was served. OAR 137-003-0675.

C- 91158

RR of PTCN

22.0
- 17.0

5.0 RR

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LEROY M. SINSABAUGH
ROUTE 1, BOX 103
ROGUE RIVER, OR

confirms the right to use the waters of EVANS CREEK, a tributary of the ROGUE RIVER for the purpose of IRRIGATION of 5.0 ACRES.

This right was perfected under Permit S-3937. The date of priority is NOVEMBER 8, 1918. 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 0.07 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	3 W	WM	5	SW NE	1625 FEET SOUTH AND 1805 FEET WEST FROM THE NE CORNER OF SECTION 5

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 under the right hereby confirmed, and to which such right is hereby appurtenant, is as follows:

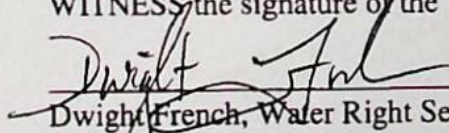
Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	3 W	WM	5	NE NE	5.0

This certificate describes that portion of the water right confirmed by Certificate 40377, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered January 21, 2016.

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.

The right to the use of the water for the purposes aforesaid is restricted the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed January 21, 2016.


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director, Oregon Water Resources Department

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT.

This is to Certify, That J. E. Smithpeter

of Rogue River, 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 Evans Creek a tributary of Rogue River for the purpose of Irrigation under Permit No. 6124 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 December 1, 1923;

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

0.13 cubic foot per second;

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

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, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows: 10 acres in the NW¹/₄, Section 4, Township 35 South, Range 3 West of the Willamette Meridian, in Jackson County, Oregon.

Through Carter Ditch

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this 24th day
of January, 1928.

REBA LUPER,
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 7, page 7486.

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LEROY M. SINSABAUGH
ROUTE 1, BOX 103
ROGUE RIVER, OR

confirms the right to use the waters of EVANS CREEK, a tributary of the ROGUE RIVER for the purpose of IRRIGATION of 5.0 ACRES.

This right was perfected under Permit S-3937. The date of priority is NOVEMBER 8, 1918. 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 0.07 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	3 W	WM	5	SW NE	1625 FEET SOUTH AND 1805 FEET WEST FROM THE NE CORNER OF SECTION 5

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 under the right hereby confirmed, and to which such right is hereby appurtenant, is as follows:

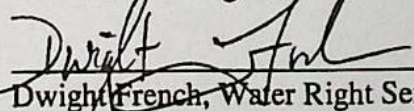
Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	3 W	WM	5	NE NE	5.0

This certificate describes that portion of the water right confirmed by Certificate 40377, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered January 21, 2016.

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.

The right to the use of the water for the purposes aforesaid is restricted the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed January 21, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director, Oregon Water Resources Department

STATE OF OREGON
COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **LEROY M. SINSABAUGH**

of **Route 1, Box 103, Rogue River**, 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 **Evans Creek**

97537

a tributary of **Rogue River**
irrigation of **22.0 acres**

for the purpose of

under Permit No. **3937** 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 **November 8, 1918**

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 **0.29 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, T. 35 S., R. 3 W., W. M., 1625 feet South and 1805 feet West from NE Corner, Section 5.**

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 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:

**17.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
5.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 5
T. 35 S., R. 3 W., W. M.**

This certificate is issued to confirm a change in place of use and point of diversion approved by orders of the State Engineer entered August 14, 1956 and April 22, 1965 and together with the certificate recorded at page 32145, Volume 24, supersedes certificate of water right heretofore issued to D. F. Neathamer and recorded at page 3243, Volume 4, State Record of Water Right Certificates.

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. **May 24, 1974**

.....**Chris L. Wheeler**.....
State Engineer

Recorded in State Record of Water Right Certificates, Volume **32**, page **40377**

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
MRS. JEANETTE BLAKELY FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM EVANS CREEK)

ORDER APPROVING
TRANSFER NO. 3622

On April 11, 1977, an application was filed in the office of the Water Resources Director by Mrs. Jeanette Blakely for a change in point of diversion under existing water rights of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 32145, Volume 24, State Record of Water Right Certificates, in the names of M. M. and Marjorie D. Toothman and Gerusha Smithpeter, describes a right for use of not to exceed 0.01 cubic foot per second from Evans Creek for irrigation of 1.0 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 35 South, Range 3 West, W.M., with a date of priority of November 8, 1918.

The certificate recorded at page 7486, Volume 7, State Record of Water Right Certificates, in the name of J. E. Smithpeter, describes a right for the use of not to exceed 0.13 cubic foot per second from Evans Creek for irrigation of 10.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923.

Water for the said rights is diverted, through the Carter Ditch, from a point located 1200 feet North and 1450 feet East from the Southwest corner of Section 34, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 34 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 530 feet South and 30 feet West from the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 35 South, Range 3 West, W.M., being within the said NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4.

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P330-332

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 May 27, June 2 and 9, 1977.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water available at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject rights and shall not exceed 0.01 cubic foot per second with a date of priority of November 8, 1918 and 0.13 cubic foot per second with a date of priority of December 1, 1923.

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, 1979.

It is FURTHER ORDERED that the said certificates of water right recorded

at page 32145, Volume 24 and at page 7486, Volume 7, State Record of Water Right Certificates, are canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 15th day of September, 1977.

/s/ James E. Sexson
Director

NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 3622

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Mrs. Jeannette Blakely for approval of a change in point of diversion from Evans Creek.

The certificate recorded at Page 32145, Vol. 24, State Record of Water Right Certificates, in the names of M. M. and Marjorie D. Toothman and Gerusha Smithpeter, describes a right for the use of not to exceed 0.01 cubic foot per second from Evans Creek for irrigation of 1.0 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 4, T. 35 S., R. 3 W., W.M., with a date of priority of Nov. 8, 1918.

The certificate recorded at Page 7486, Vol. 7, State Record of Water Right Certificates, in the name of J. E. Smithpeter, describes a right for the use of not to exceed 0.13 cubic foot per second from Evans Creek for irrigation of 10.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 4, T. 35 S., R. 3 W., W.M., with a date of priority of Dec. 1, 1923.

Water for the said rights is diverted through the Carter ditch, from a point located 1200 ft. N. and 1450 ft. E. from the SW corner of Sec. 34, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 34, T. 34 S., R. 3 W., W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located 530 ft. S. and 30 ft. W. from the NE corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 4, T. 35 S., R. 3 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on July 19, 1977, 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 Mrs. Jeannette Blakely, c/o Jeffrey L. Roberts, 14663 E. Evans Creek Road, Rogue River, Oregon 97537, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS 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 Department upon request.

Dated at Salem, Oregon, this 10th day of May, 1977.

JAMES E. SEXSON
Director

RECEIVED

Affidavit of Publication JUN 14 1977

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon,
County of Jackson

ss.

1. Sharon J. Morris, 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 Water Right Transfer

Application No. 3622

, 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 May 27, June 2, 9, 1977

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

Sharon J. Morris

Subscribed and sworn to before me this 10th day of June, 1977

James E. Sexson

NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981