

3628

STATUS OF APPLICATION

Change in POD
Date filed 4-15-77
Date of hearing 6-21-77
Place of hearing Medford
Date of order 8-12-77 Vol. 29, page 195
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued NOV 28 1977 Vol. 37, page 44956
DEC 12 1986 50 55243

to survey 1/80

DESCRIPTION OF WATER RIGHT

Name of stream East Fork Evans Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 35 2
Name of ditch John Sisemore
Date of priority Oct. 15, 1887
In name of _____
Rogue Riv. Adjudication, Vol. 4, page 18
App. No. _____ Per. No. _____ Cert. No. V. 13 p 16151
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-15-77</u>	<u>85.00</u>	<u>59744</u>
TOTAL . . .		
	2 Cert. Fee	
<u>Pl. Mail Tribune</u> <u>6-10-77</u>	<u>\$30.95</u>	<u>Part of Ch. #1363</u>

FEES REFUNDED

Date	Amount	Check No.
<u>6-10-77</u>	<u>\$17.05</u>	<u>1365</u>

Exam 20-
POD 15-
Cert 2-
37-

REMARKS

CARD FOR DEC 26 1979

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

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF GLENN E. AND JOYCE S. ELLIS)
FOR APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM EAST)
FORK EVANS CREEK)

ORDER APPROVING
TRANSFER NO. 3628

On April 15, 1977, an application was filed in the office of the Water Resources Director by Glenn E. and Joyce S. Ellis for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16151, Volume 13, State Record of Water Right Certificates, in the name of H.K. Hanna, describes a right which includes the use of not to exceed 0.59 cubic foot per second from East Fork Evans Creek for irrigation of 18.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 17.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 34 South, Range 2 West, W.M., with a date of priority of October 15, 1887.

Water for the said right is diverted, through John Sisemore Ditch, from a point located 380 feet South and 1300 feet East from the West quarter corner of Section 4, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 34 South, Range 2 West, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 660 feet North and 400 feet West from the Center of Section 9, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 34 South, Range 2 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 May 5, 12 and 19, 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.

V29
P195-196

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 diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.59 cubic foot per second.

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

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

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to H. K. Hanna and recorded at page 16151, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, 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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 12th day of August, 1977.

/s/ James E. Sexson
Director

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STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. K. Hanna

of Jacksonville, State of Oregon, has a right to the use of
the waters of East Fork Evans Creek, a tributary of Evans Creek
for the purpose of ¹⁸⁸irrigation of ~~54~~ acres^x and Domestic 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 Oct. 15, 1887;

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 ~~0.90~~ cubic foot per second. ^{0.31}

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:

17 acres in E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$
and W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$
Section 4, T. 34 S., R. 2 W., W. M. ^{T. 34 S., R. 2 W.}
¹⁸ 20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ - ¹⁸²
~~17 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$~~ - ¹⁷⁰
Section 9,
T. 34 S., R. 2 W., W. M.

POD NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 4 T 34 S R 2 W W M 3
380' S 1300' E from W $\frac{1}{4}$ Cor Sec 4, T 34 S, R 2 W

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 16151, Volume 13, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Aug 12, 1977, approving transfer application No. 3628.

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 State Engineer, affixed

this 30 day of September, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16151

**NOTICE OF WATER RIGHT
TRANSFER APPLICATION**

NO. 3628

Notice is given hereby that Glenn E. and Joyce S. Ellis have filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from East Fork Evans Creek.

The certificate recorded at Page 16151, Vol. 13, State Record of Water Right Certificates, in the name of H. K. Hanna, describes a right which includes the use of not to exceed 0.59 c.f.s. from East Fork Evans Creek for Irrigation of 18.2 acres in NE 1/4 NW 1/4 and 17.0 acres in SE 1/4 NW 1/4 of Sec. 9, T. 34 S., R. 2 W., W.M., with a date of priority of Oct. 15, 1887.

Water for the said right is diverted through the John Sismore Ditch from a point located 380 ft. S. and 1300 ft. E. from the W. 1/4 corner of Sec. 4, being within the NW 1/4 SW 1/4 of Sec. 4, T. 34 S., R. 2 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 660 ft. N. and 400 ft. W. from the center corner of Sec. 9, being within the SE 1/4 NW 1/4 of Sec. 9, T. 34 S., R. 2 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on June 21, 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 Glenn E. and Joyce S. Ellis, 22705 Evans Creek Road, Central Point, Or., 97502, 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 18th day of April, 1977.

JAMES E. SEXSON
Director

Affidavit of Publication

State of Oregon,

County of Jackson

ss.

Sharon J. Morris

1. _____, 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. 3628

_____ 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 5, 12, 19, 1977

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

Sharon J. Morris

Subscribed and sworn to before me this 20th day of May, 1977

James E. Sexson
NOTARY PUBLIC FOR OREGON

RECEIVED

My Commission expires 21st day of May, 1981

MAY 23 1977

WATER RESOURCES DEPT
SALEM, OREGON