

SELLERS

## OWNERSHIP UPDATE

3631

## STATUS OF APPLICATION

Change in POD  
 Date filed 4-18-77  
 Date of hearing 6-30-77  
 Place of hearing Medford  
 Date of order 8-12-77 Vol. 29, page 197  
 Date for application of water Ext: 10-1-80 70-1-79  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued APR 27 1989 Vol. 58, page 60947

to survey 7/80

## DESCRIPTION OF WATER RIGHT

Name of stream Pleasant Creek  
 Trib. of \_\_\_\_\_ County of Jackson  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 2.1  
 Name of ditch \_\_\_\_\_  
 Date of priority \_\_\_\_\_  
 In name of A. H. Qhatman  
Rogue River Adjudication, Vol. 4, page 17  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 44082  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>4-18-77</u>	<u>85.00</u>	<u>59770</u>
TOTAL . . .		
No Cert. Fee		
<u>PR.-MAIL TRIBUNE party ck. # 1363 (\$30.95)</u> <u>6-10-77</u>		

## FEES REFUNDED

Date	Amount	Check No.
<u>6-10-77</u>	<u>\$ 19.05</u>	<u>1366</u>
Exam 20-		
POD 15-		
<u>35</u>		
PON \$30.95		
<u>65.95</u>		

## REMARKS

CARD FOR C DEC 26 1979

Surveyed 12-13-84 (Buck)— finish —

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	<u>lg</u>	_____
	Stream	<u>lg</u>	_____
	Pt. of Div.	_____	_____
	Calendar	<u>lg</u>	_____
	CHECKED TO RECORDS:		
	Twp. & Rge.	_____	_____
	Decree-vault	<u>lg</u>	_____
	Decree-safe	<u>lg</u>	_____
	Cert. of W/R	<u>sw</u>	_____
	Per. Folder	_____	_____
Chaindex	_____	_____	
Cross Ref.	_____	_____	
Power Claim	_____	_____	
Abstracts	<u>lg</u>	_____	



STATE OF OREGON  
COUNTY OF JACKSON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WALTER D. AND DIOLENDIA B. SELLERS  
P.O. BOX 368  
ROGUE RIVER, OREGON 97537

JOSEPH B. AND MARY E. BUDA  
15181 SPAR STREET  
GARDEN GROVE, CALIFORNIA 92643

confirms the right to use the waters of PLEASANT CREEK, a tributary of EVANS CREEK, for the purpose of IRRIGATING 7.1 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4, at page 1. The date of priority is 1875.

The right is limited to not more than 0.12 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION: LOWER WAKEMAN DITCH, SE 1/4 NE 1/4, SECTION 28, T 34, R 4 W, W.M.

The points of diversion are located as follows:

NE 1/4 NE 1/4, SECTION 33, T 34 S, R 4 W, W.M.; 440 FEET SOUTH & 530 FEET WEST; 900 FEET SOUTH & 560 FEET WEST BOTH FROM NE CORNER SECTION 33.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

NW 1/4 NW 1/4 3.9 ACRES  
SECTION 34

NE 1/4 NE 1/4 3.2 ACRES  
SECTION 33

TOWNSHIP 34 SOUTH, RANGE 4 WEST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered AUGUST 12, 1977, and supersedes certificate 44082, State Record of Water Right Certificates.

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 above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,  
affixed this date APRIL 27, 1989.

/s/ WILLIAM H. YOUNG

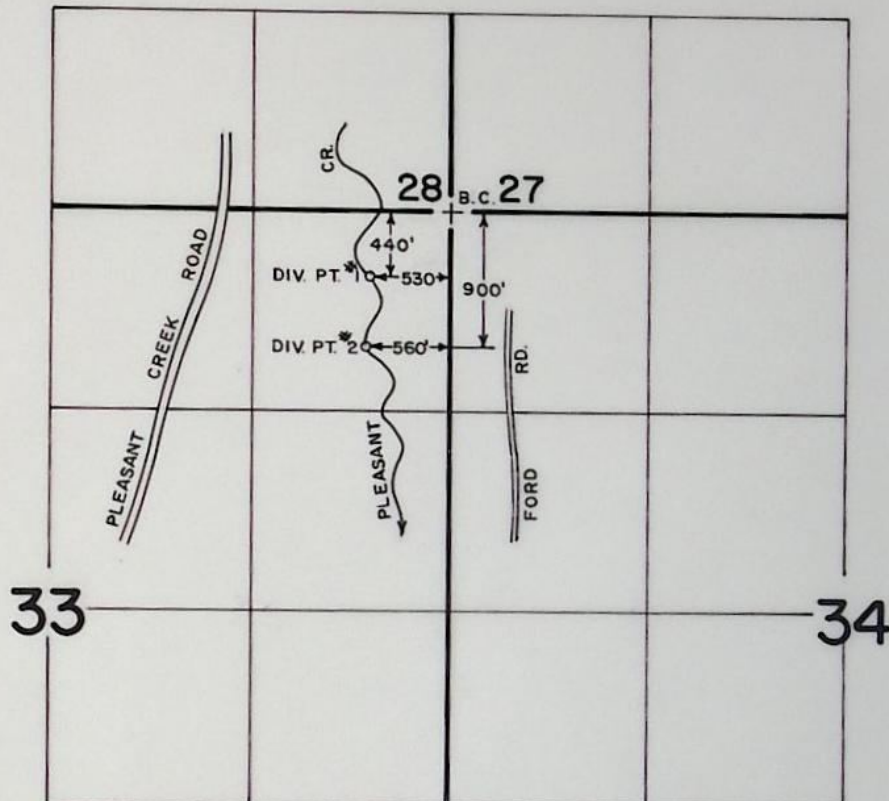
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 60947

T-3631.BE



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



SCALE: 4" = 1 MILE

**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. 3631

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

..... **JOSEPH BUDA** .....

Surveyed **DEC. 13, 1983**, by **B.S. JAMES** .....



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
WALTER D. AND DIOLENDA B. SELLERS )  
FOR APPROVAL OF A CHANGE IN POINT )  
OF DIVERSION OF WATER FROM PLEASANT )  
CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3631

On April 18, 1977, an application was filed in the office of the Water Resources Director by Walter D. and Diolenda B. Sellers 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 44082, Volume 36, State Record of Water Right Certificates, in the name of Walter D. and Diolenda B. Sellers, describes a right for the use of not to exceed 0.12 cubic foot per second from Pleasant Creek for irrigation of 3.9 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, and 3.2 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, Township 34 South, Range 4 West, W.M., with a date of priority of 1875.

Water for the said right is diverted through the Lower Wakeman Ditch from a point located 975 feet North and 440 feet West from the East quarter corner of Section 28, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 28, Township 34 South, Range 4 West, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion, without loss of priority, to two points located (1) 410 feet South and 390 feet West and (2) 910 feet South and 465 feet West from the Northeast corner of Section 33, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, Township 34 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of May 9, 16 and 23, 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.

629  
1107-178



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 0.12 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 Walter D. and Diolenda B. Sellers and recorded at page 44082, Volume 36, State Record of Water Right Certificates, is 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, a confirming certificate of water right shall be issued to the applicants herein.

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

/s/ James E. Sexson  
Director



NOTICE OF WATER RIGHT  
TRANSFER APPLICATION NO. 3631

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Walter D. and Diolenda B. Sellers for approval of a change in point of diversion from Pleasant Creek.

The certificate recorded at Page 44082, Vol. 36, State Record of Water Right Certificates, in the name of Walter D. and Diolenda B. Sellers, describes a right for the use of not to exceed 0.12 cubic foot per second from Pleasant Creek for irrigation of 3.9 acres in NW 1/4 NW 1/4 of Sec. 34, and 3.2 acres in NE 1/4 NE 1/4 of Sec. 33, T. 34 S., R. 4 W., W.M., with a date of priority of 1875.

Water for the said right is diverted through the Lower Wakeman Ditch from a point located 975 ft. N. and 440 ft. W. from the E. 1/4 corner of Sec. 28, being within the SE 1/4 NE 1/4 of Sec. 28, T. 34 S., R. 4 W., W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion without loss of priority to two points located (1) 410 ft. S. and 390 ft. W. and (2) 910 ft. S. and 465 ft. W. from the NE corner of Sec. 33, being within the NE 1/4 NE 1/4 of Sec. 33, T. 34 S., R. 4 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon on June 30, 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 Walter D. and Diolenda B. Sellers, 1765 Queens Branch Rd., Rogue River, Or., 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 21st day of April, 1977.

JAMES E. SEXSON  
Director

## Affidavit of Publication

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. 3631, 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 9, 16, 23, 1977  
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sharon J. Morris  
Subscribed and sworn to before me this 25th day of May, 1977

James J. Olson  
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981