

3692

## STATUS OF APPLICATION

Change in POD  
 Date filed 6-2-77  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 3-30-78 Vol. 30, page 507  
 Date for application of water 10-1-79  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued FEB 28 1979 Vol. 40, page 47514

Sun 4/78

3-5-79 Jan

## DESCRIPTION OF WATER RIGHT

Name of stream EVANS CREEK  
 Trib. of \_\_\_\_\_ County of JACKSON  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 16<sup>0</sup>  
 Name of ditch \_\_\_\_\_  
 Date of priority \_\_\_\_\_  
 In name of \_\_\_\_\_  
Rogue River Supplemental findings  
 Adjudication, Vol. 19, page 386  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 32798  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>6-2-77</u>	<u>\$ 35<sup>00</sup></u>	<u>60935</u>
TOTAL . . .		
<u>1-12-79</u>	<u>2<sup>00</sup></u> Cert. Fee	<u>8482</u>

## FEES REFUNDED

Date	Amount	Check No.

## REMARKS

(Order canceling O.D.C.s for dom. & sth.  
 under Cert #32798 entered March 30, 1978 (Vol. 30, P. 509))

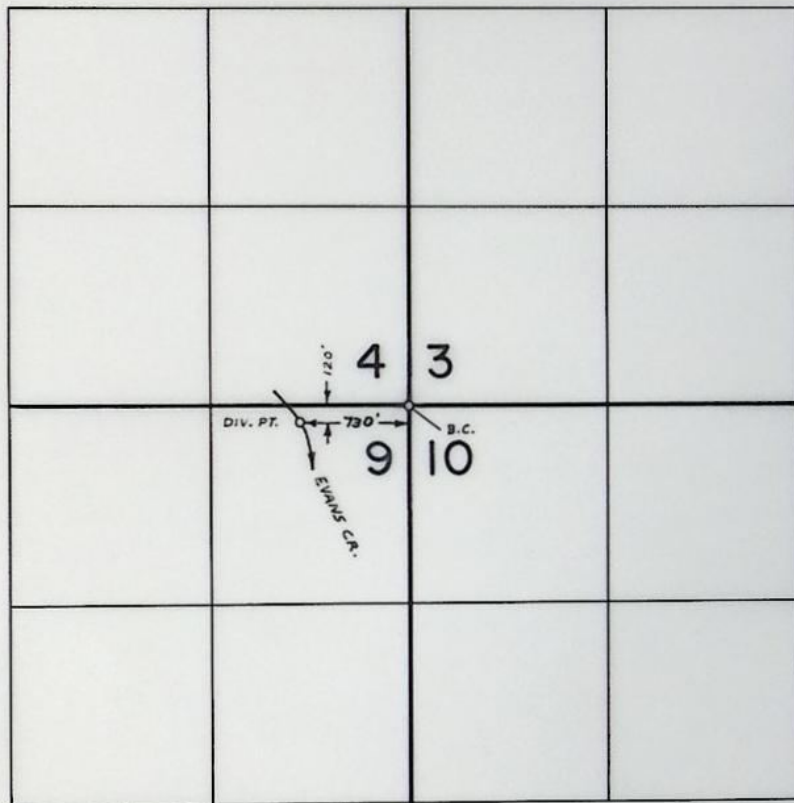
TO BE ENTERED WHEN CHECKED

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg</u>	
<input checked="" type="checkbox"/> Stream	<u>lg</u>	
<input checked="" type="checkbox"/> Pt. of Div.	<u>lg</u>	
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	
CHECKED TO RECORD:		
<input checked="" type="checkbox"/> Twp. & Rng.	<u>lg</u>	
<input checked="" type="checkbox"/> Decree-suit	<u>lg</u>	
<input checked="" type="checkbox"/> Decree-sale	<u>lg</u>	
<input checked="" type="checkbox"/> Cert. of W/R	<u>lg</u>	
Per. Foliar		
Chafinder		
Cross Ref.		
Power Claim		
<input checked="" type="checkbox"/> Abstracts	<u>lg</u>	



Affidavits for cancellation of Dom & Stock  
under C# 32798 received 1-11-78 and  
given to Wayne O. for order.

T. 36 S., R. 4 W., W. M.



**FINAL PROOF SURVEY**  
UNDER

Application No. TR-3692 Permit No.                       
IN NAME OF

DAVID G. THOMAS

Surveyed SEPT. 29 1978, by B. SUND



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That DAVID G. THOMAS  
~~ARTHUR W. PATTERSON, successor in interest to~~  
~~George A. Woodcock,~~

Box 446  
 of Rogue River, State of Oregon <sup>97537</sup>, 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 16.0 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 1902;

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 0.27 cubic foot per  
 second. <sub>0.26</sub>

The point of diversion is located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 9, T. 36 S., R. 4 W., W.M.  
 120 ft S AND 730 ft W FROM NE COR SEC 9

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

16.0 acres ~~in that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$~~   
~~lying East of Evans Creek of which~~  
~~2.5 acres lie above the ditch and~~  
~~are irrigated by pumping therefrom~~  
 Section 9,  
 T. 36 S., R. 4 W., W.M.

This certificate also confirms a change in point of diversion approved by  
 an order of the State Engineer entered October 23, 1963 and recorded at page 55. (P-75)  
 Volume 13, Special Order Record pursuant to the provisions of ORS 540.510 to  
 540.530.

This certificate describes that portion of the water right evidenced  
 by certificate of water right recorded at page 32798, Vol. 24, SRWAC, NOT  
 canceled by an order of the WRD entered March 30, 1978 and is issued to  
 confirm a change in point of diversion approved by an <sup>new</sup> order of the WRD  
 also entered March 30, 1978 and supersedes certificate 32798.

The issuance of this superseding certificate does not confirm the  
 status of the water right with reference to ORS 540.610.



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF DAVID G. THOMAS FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM EVANS CREEK. )  
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ORDER APPROVING  
TRANSFER NO. 3692

On June 2, 1977, an application was filed in the office of the Water Resources Director by David G. Thomas for approval of a change in point of diversion from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 32798, Volume 24, State Record of Water Right Certificates, in the name of Arthur W. Patterson, describes a right which includes the use of not to exceed 0.26 cubic foot per second from Evans Creek for irrigation of a certain 16.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 9, Township 36 South, Range 4 West, W.M., with a date of priority of 1902.

Water for the said right is diverted from a point located 730 feet South and 570 feet West from the Northeast Corner of Section 9, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 9.

The applicant herein proposes to change the point of diversion therefrom, without loss of priority, to a point located 20 feet South and 730 feet West from the Northeast Corner of Section 9, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 9.

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 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 0.26 cubic foot per second.

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:



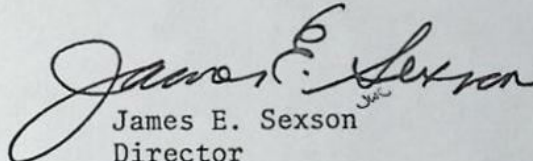
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 Arthur W. Patterson and recorded at page 32798, Volume 24, 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 applicant herein.

Dated at Salem, Oregon, this 30th day of March, 1978.

  
James E. Sexson  
Director