

3325

STATUS OF APPLICATION

Change in point of diversion
 Date filed 10-14-75
 Date of hearing 12-22-75
 Place of hearing Medford
 Date of order 11-30-76 Vol. 28, page 158
 Date for application of water 10-1-78
 Proof mailed _____
 Proof received _____
 Certificate issued AUG 29 1988 Vol. _____, page 57603

DESCRIPTION OF WATER RIGHT

Name of stream Pleasant Creek
 Trib. of _____ County of Jackson
 Use irrigation
 Quantity of water _____ No. of acres 3-
 Name of ditch Upper Wabernan Ditch
 Date of priority 1875
 In name of Walter D. & Dielanda B. Sellers
Order Correcting Vol 17 page 275
Rogue River Adjudication, Vol. 4, page 17
 (Orig. Gd #16131)
 App. No. _____ Per. No. _____ Cert. No. 40372
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
10-14-75	35.00	49914
10-14-75	45.00 p.o.r.	49915
TOTAL . . .	<u>\$4.00</u>	
1-16-76	Cert. Fee	49915
Mail Tribune	28 57	

added \$1.25 on transfer 2017

FEES REFUNDED

Date	Amount	Check No.
1-16-76	12 43	187

Fees
 Ex 20⁰⁰
 POD 15⁰⁰
35⁰⁰

REMARKS

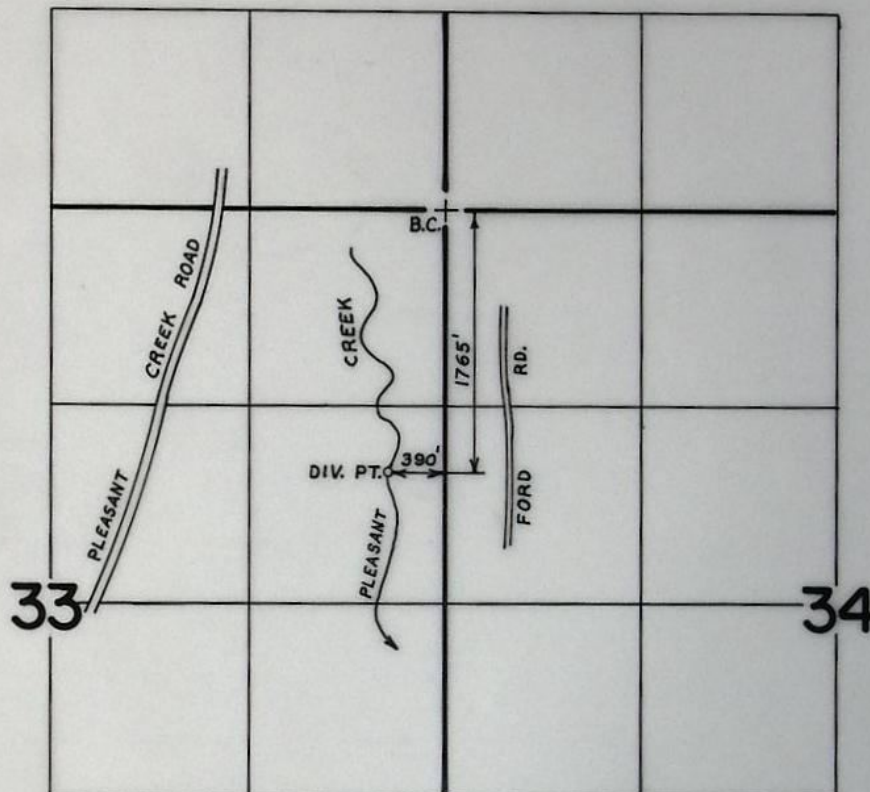
see Transfers
T-2552
T-3017
T-3062
T-3064
T-3073
T-3102
T-3304

See Map in file No Tr-3017
relative to Decree of Court
Vol 17 P 275-

INDEX CARDS:	Entered	Checked
<u>WA</u> Name	<u>✓</u>	
<u>WA</u> Stream	<u>✓</u>	
<u>WA</u> Pl. of Div.	<u>✓</u>	
<u>WA</u> Calendar	<u>✓</u>	
CHECKED TO RECORDS:		
<u>✓</u> Twp. & Rge.	<u>WA</u>	
<u>✓</u> Decree-vault	<u>WA</u>	
<u>✓</u> Decree-safe	<u>WA</u>	
<u>✓</u> Cert. of W/R	<u>WA</u>	
Per. Folder		
Chaindex		
Cross Ref.		
Power Claim		
Abstracts		

TO BE ENTERED WHEN INDEXED

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



SCALE: 4" = 1 MILE

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3325

Application No. Permit No.
IN NAME OF

...RICHARD & DOROTHY SMITH...

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

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF RICHARD E. AND DOROTHY G. SMITH)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
PLEASANT CREEK)

ORDER APPROVING
TRANSFER NO. 3325

On October 14, 1975, Richard E. and Dorothy G. Smith filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Pleasant Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 40372, Volume 32, State Record of Water Right Certificates, in the name of Walter D. and Diolenda B. Sellers, describes an existing right of record which includes the use of not to exceed 0.05 cubic foot per second from Pleasant Creek for irrigation of 0.3 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 and 2.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 34 South, Range 4 West, W.M., with a date of priority of 1875.

Water for the said right is diverted through the Upper 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, without loss of priority, the point of diversion to a point located 1770 feet South and 250 feet West from the Northeast corner of Section 33, being within the SE $\frac{1}{4}$ 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 October 31, November 7 and 14, 1975.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 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, and shall not exceed 0.05 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 water master.

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, 1978.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered July 31, 1974, approving transfer application No. 3017, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein, a certificate of water right shall be issued to Richard E. and Dorothy G. Smith confirming the change in point of diversion.

Dated at Salem, Oregon, this 30th day of November, 1976.

/s/ JAMES E. SEXSON
Director

SUPERSEDED
(CERTIFICATE NO. 47899, 47900, 47901, 47902)

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Richard E. and Dorothy G. Smith
WALTER D. & DIOLINDA B. SELLERS

4895 Mira-Sol Moonpark
of Reggie River, State of Oregon, has a right
to the use of the waters of Pleasant Creek Calif 93021

a tributary of Evans Creek for the purpose of
irrigation of 3.1 acres
and that said right has been confirmed by decrees of the Circuit Court of the State of Oregon for
Jackson County, and the said decrees 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 1875

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 0.50 cubic feet per
second 0.05

The point of diversion is located in the 33
1765' S & 390' W from NE Cor. Sec. 33

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

- 9.9 acres NW 1/4 NW 1/4
- 11.2 acres SW 1/4 NW 1/4 2.8 acres
- Section 34
- 7.5 acres NW 1/4 NW 1/4
- 1.4 acres SW 1/4 NW 1/4 0.3 acre
- Section 33
- T. 34 S., R. 4 W., W. M.

This certificate is issued to confirm a change in point of
diversion approve by an order of the Water Resources Director
11/25/76, and together with certificates 44082, 47899,
47900, 47901, 47902, 1st No., and 2nd No. supercedes
certificate 40372, 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.

Recorded in State Record of Water Right Certificates, Volume 32 page 40372

T-3325

57603

Gets 3rd No.
(micronal 1631)

40372
 9.9 NW NW
 11.2 SW NW
 34
 7.5 NE NE
 1.4 SE NE
 33
 40372

3.9 NW NW
 See 34
 3.2 NE NE
 See 33
 44082
 1/18/77

7.5-3.2 = 4.3 NENE
 1.4-0.7 = 0.7 SE NE
 See 33
 9.9-3.9 = 6.0 NW NW
 11.2-2.7 = 8.5 SW NW
 See 34

3017 CC
 POD 0.7 SE NE
 33
 cent 2.7 SW NE
 34
 47899
 4/30/79

0.5 cfs
 1875

needs cert

3062
 0.1 SE NE
 33
 POD 2.6 SW NW
 34
 0.04

NE NE
 1.9
 0.9
 1.5
 4.3

3064 CC
 1.9 NE NE
 33
 POD 1.4 NW NW
 34
 47900
 4/30/79

SE NE
 0.1
 0.3
 0.3
 0.7

3073 CC
 0.3 SE NE
 33
 POD 3.1 SW NW
 34
 47902
 4/30/79

See 33

3102
 0.9 NENE
 33
 POD 2.4 NW NW
 34
 47901
 4/3/79

NW NW
 1.4
 2.4
 2.2
 6.0

needs cert

3304
 1.5 NENE
 33
 POD 2.2 NW NW
 34
 0.06

SW NW
 2.6
 3.1
 2.8
 8.5

needs cert

3325
 0.3 SE NE
 33
 POD 2.8 SW NW
 34
 0.05

See 34

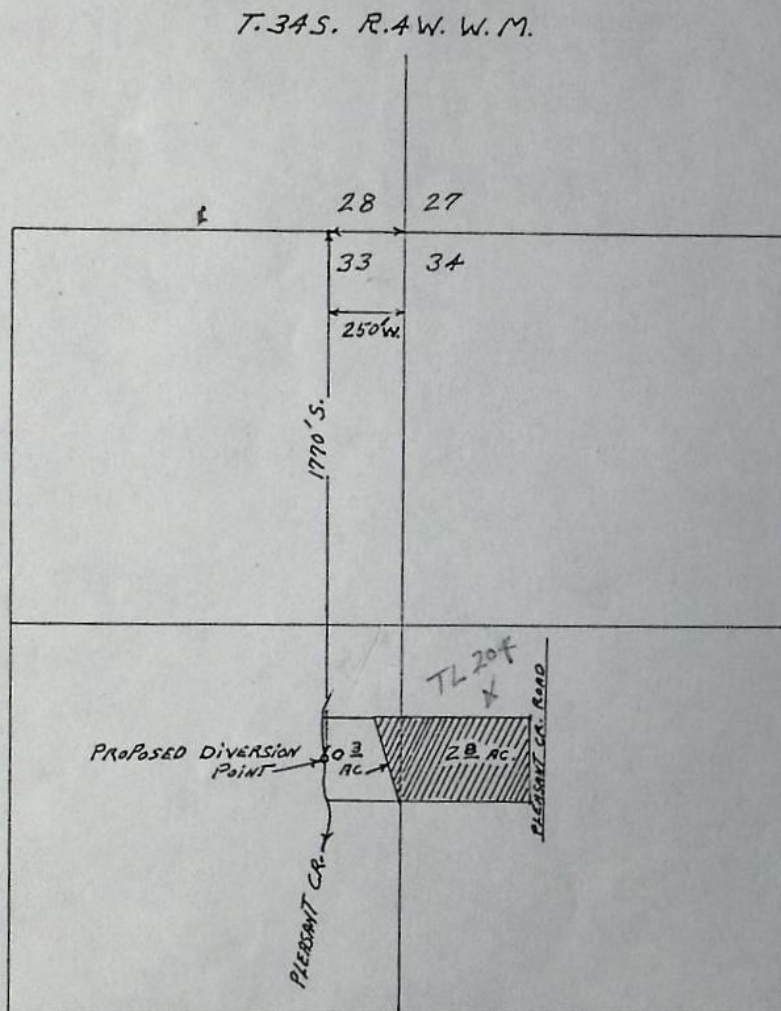
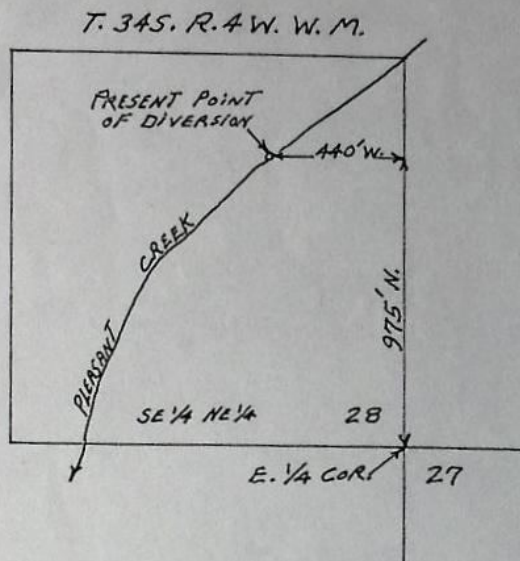
[Handwritten signature]

159 28-31-21

County JACKSON

6. Place of Use C Date: 10-1-78

[illegible]



MAP TO ACCOMPANY APPLICATION OF
RICHARD E. AND DOROTHY G. SMITH FOR
CHANGE IN POINT OF DIVERSION

RECEIVED

OCT 14 1975

WATER RESOURCES DEPT.
SALEM, OREGON

SCALE 8" = 1 MILE



10-10-75

1-52106-8

T-3325

FINAL PROOF ON _____ APPLICATION No. _____ PERMIT No. _____
SURFACE WATER IRRIGATION TRANSFER NO. 3325

INFO: NAMES: RICHARD E. & DOROTHY G. SMITH

ADDRESS: 4845 AURA-SOL, MOORPARK, CA 93021

TALKED TO: INSPECTION

NEIGHBOR - LOCATED DIV. PT. SMITH'S VACATION AT SITE IN SUMMER AND

SOURCES: PLEASANT CR. IRRIGATE ACREAGE.

SYSTEM: PUMPS DIRECT FROM CREEK

PUMP: MAKE: _____

TYPE: CENT.

SUCTION SIZE: 1 1/2"

DISCHARGE SIZE: 1 1/2"

MODEL No.: _____

RATING: _____

MOTOR: MAKE: _____

TYPE: GAS

HP: 3

RPM: 200 rpm

CONNECTED DIRECT OR PULLEYS: _____

SPRINKLER SYSTEM: _____

MAINLINE: NO. FEET: 700'

SIZE: 1 1/2"

TYPE: BLK. PLASTIC

LATERALS: NO. FEET: _____

SIZE: _____

TYPE: _____

SPRINKLERS: NO. HEADS: 9

MAKE: RRS

MODEL #: 25'S

NOZZLE SIZES: 5/16" X 0

MAXIMUM: 9

IN OPERATION: MEAN PRESSURE: _____

NO. OF HEADS: _____

LIFT: SUCTION: 2'

DISCHARGE: 5'

USE: PASTURE & GARDEN

DIVERSION: DIRECT

STRUCTURE: _____

TIE: MONUMENTS: 4/3
9/0 BC

SURVEYED ON: 179-106R

B. Suzie Jones

WATER RIGHTS EXAMINER

DATE: 12-13-83 (DIV. PT.)

RECEIVED

AUG 21 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Transfer No. 3325

NOTICE OF COMPLETION OF CONSTRUCTION

I, RICHARD E. SMITH hereby certify

that the construction work has been completed and the change in point of diversion of water made as set forth in the order of the Water Resources Director dated 30 NOVEMBER 1976, approving an application for a change in point of diversion of water from PLEASANT CREEK.

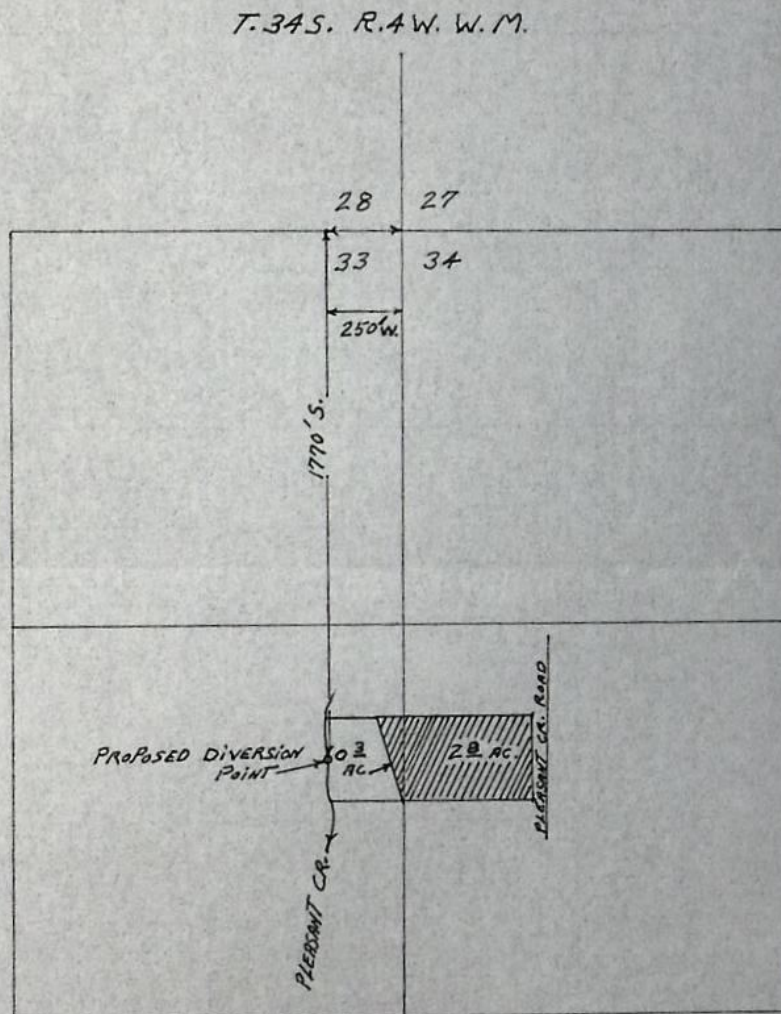
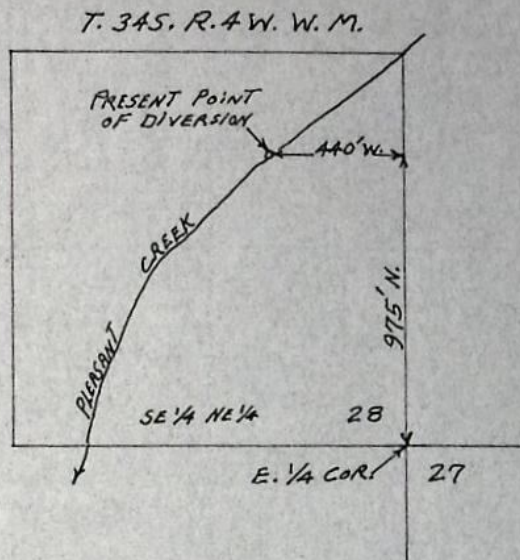
15 AUG. 78

Date

Richard E. Smith

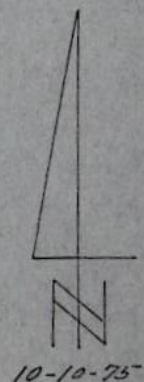
Name

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RECEIVED
 OCT 14 1975
 WATER RESOURCES DEPT.
 SALEM, OREGON

SCALE 8" = 1 MILE



MAP TO ACCOMPANY APPLICATION OF
 RICHARD E. AND DOROTHY G. SMITH FOR
 CHANGE IN POINT OF DIVERSION

T-3325

RECEIVED

OCT 14 1975

WATER RESOURCES DEPT.
SALEM, OREGON

T-3325

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Richard E. and Dorothy G. Smith
(Name of applicant)

of 1229 Carmel Drive, Simi,
(Postoffice), County of Simi Valley

State of Calif. 93065, do hereby make application for change in point of diversion.

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Pleasant Creek.
(Name of stream)

2. The use to which the water is applied is irrigation.
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Upper Wakeman Ditch.

4. The point of diversion is located 975 ft. N. and 440 ft. W. from the E $\frac{1}{4}$
(N. or S.) (E. or W.)

corner of Section 28 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$
(Section or subdivision)

of Section 28 Tp. 34 S. R. 4 W. W. M., in the County of Jackson.
(No. N. or S.) (No. E. or W.)

5. Give the number of acres irrigated in each smallest legal subdivision (40-acre tract). Only show the acreage which is being transferred. If the water is used for power, mining or other use, show place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
34 S.	4 W	33				0.3												
		34							2.8									

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

0.05 cfs

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes.
(If not owner, explain your interest)

7. Have the lands above described been irrigated during the past 5 years? Yes.

8. What is the priority date of your water right? 1875.

9. Was your water right acquired by State Engineer's Permit? No. If so, give number
(Yes or No)

of permit None.

10. Do you hold a water right certificate? Yes. If so, give number of certificate 40372
(Yes or No) 39834.

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

Yes. If so, give title of proceedings Rogue River Decree.
(Yes or No) Diolenda B Sellers

12. Is the water right recorded in your name? No, Walter D. Sellers (A.H. Quatman).
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 1770 ft. S. and 250 ft. W. from the NE
(N. or S.) (E. or W.)
corner of Sec. 33 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 Tp. 34 S. R. 4 W. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Jackson. The name of the ditch to be used is pump.

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes.

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? Yes.

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are ditch too costly to maintain.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

SS.

I, Richard E. and Dorothy G. Smith, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 10th day of October, 1975.

Richard E. Smith

Dorothy G. Smith
(Name of applicant)

Subscribed and sworn to before me this 10th day of October, 1975.

[Notarial Seal]

Phyllis Hilman
NOTARY PUBLIC FOR OREGON

My commission expires 3-5-77

Remarks

This application must be accompanied by a map showing the location of the point of diversion, place of use and works utilized under the present water right. The map should also show the new point of diversion or place of use, as the case may be.

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

Notice is given hereby that Richard E. and Dorothy G. Smith have filed an application for the approval of a change in point of diversion of water from Pleasant Creek.

In the Rogue River Adjudication proceedings a water right was established in the name of Walter D. and Diolenda B. Sellers for the use of the waters of Pleasant Creek for the irrigation of 0.3 acre in SE 1/4, NE 1/4, Sec. 33 and 2.8 acres in SW 1/4 NW 1/4, Sec. 34, T. 34 S., R. 4 W., W.M. with a date of priority of 1875.

These lands are irrigated by means of the Lower Wakeman Ditch from a point of diversion 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, Sec. 28, T. 34 S., R. 4 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 1770 ft. S. and 250 ft. W. from the NE corner of Sec. 33, being within the SE 1/4 NE 1/4, 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, Or. on December 22, 1975, 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 Richard E. and Dorothy G. Smith, 1229 Carmel Drive, Simi, Calif., 93065, 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 22nd day of October, 1975.

James E. Sexson
Director

RECEIVED

NOV 17 1975

Affidavit of Publication

WATER RESOURCES DEPT.
SALEM, OREGON

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 - R. E. Smith

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 Oct. 31, Nov. 7, 14, 1975

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

Evalynne D. Smith

Subscribed and sworn to before me this 14th day of Nov., 1975

James J. Olson
NOTARY PUBLIC FOR OREGON

My Commission expires 21st. day of May, 1977

() Richard E. & Dorothy G. Smith

DESCRIPTION SHEET

Sellers Estates - Parcel 16

See page 1 for vesting and encumbrances, if any.

Description of the tract of land which is the subject of this report:

A parcel of real property lying in Sections 33 and 34, Township 34 South, Range 4 West, Willamette Meridian, Jackson County, Oregon, being more particularly described as follows:

Beginning at a 5/8" iron rod on the Westerly right of way line of Pleasant Creek Road, said rod being 1625.51 feet South and 430.38 feet East of the Northwest corner of said Section 34, Township 34 South, Range 4 West, Willamette Meridian, Jackson County, Oregon; thence along said Westerly right of way line, South 0° 41' 45" West, 229.28 feet; thence around a 1280 foot radius curve to the left, 57.0 feet, to a 5/8" iron rod; thence West, 730 feet, more or less, to the center of Pleasant Creek; thence Northerly, along the center of said Pleasant Creek, 300 feet, more or less, to a point which bears West from the point of beginning; thence East, 745 feet, more or less, to the true point of beginning.

RECEIVED

OCT 14 1975

WATER RESOURCES DEPT.
SALEM, OREGON

Order No.

25661

T-3325