

3098 W. Hand Natalie Jackson Dec
16032 E. Evans Creek Road
Rogue River, Or. 97537

3098

STATUS OF APPLICATION

Change in point of diversion & place of use
Date filed 7-19-74
Date of hearing 6-3-75
Place of hearing Medford
Date of order 6-4-75 Vol. 25, page 348
Date for application of water 10-1-76
Proof mailed _____
Proof received APR 23 1981
Certificate issued _____ Vol. 43, page 49918

DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority 1898
In name of Louis Sivers
Rogue River Adjudication, Vol. 4, page 16
App. No. _____ Per. No. _____ Cert. No. 16114
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
7-19-74	40.00	42097
7-19-74	45.00 P.O.N.	42098
TOTAL . . .		
	Cert. Fee	

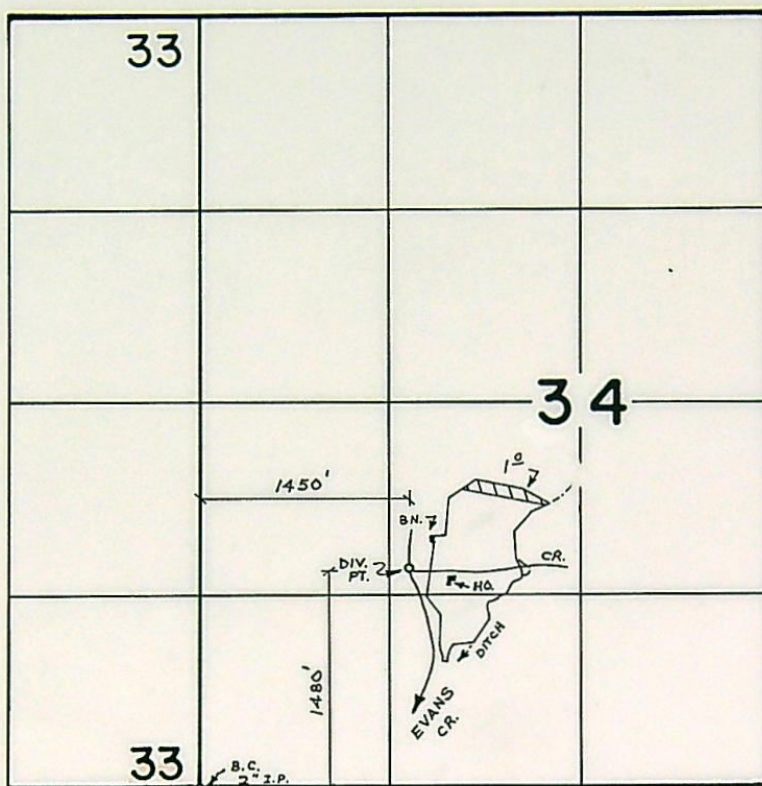
FEES REFUNDED

Date	Amount	Check No.
4-28-75	13.02	6295

REMARKS

INDEX CARDS:		Entered	Checked
<u>20</u>	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>20</u>	Abstract	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WB</u>	Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WB</u>	Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:			
<u>20</u>	Twp. & Rce.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>20</u>	Deed-rec'd	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>20</u>	Deed-rec'd	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>20</u>	Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	Per. Folder	<input type="checkbox"/>	<input type="checkbox"/>
---	Chaindex	<input type="checkbox"/>	<input type="checkbox"/>
---	Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
---	Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
---	Abstracts	<input type="checkbox"/>	<input type="checkbox"/>

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



FINAL PROOF SURVEY
UNDER

Application No. TR. 3098 Permit No.
IN NAME OF

W. H. & NATALIE JOSLIN HALL

Surveyed DEC. 21 1977, by B. SUND

758

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~W.H. & Natalie Jaslin-Hall~~ ~~Louis Silvers~~

~~16032 E. Evans Creek Rd.~~

of ~~Rogue River~~, State of ~~Oregon~~ ~~97537~~, has a right to the use of the waters of ~~Evans Creek~~, a tributary of ~~Rogue River~~ for the purpose of ~~irrigation of 13.0 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 ~~4~~, at page ~~1~~; that the priority of the right thereby confirmed dates from ~~1898~~;

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 ~~0.32 cubic foot per second, if available at the original point of diversion; NESW Sec 26 T34S R3W W1/4, Silvers Ditch - 1740' N & 2450' E from the SW cor Sec 26~~

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:

~~11.0~~ ~~10~~ acres in NE ~~1/4~~ SW ~~1/4~~
~~2.0~~ ~~2~~ acres in SE ~~1/4~~ SW ~~1/4~~
~~1~~ acre in NW ~~1/4~~ SE ~~1/4~~
Section ~~34~~,
T. ~~34~~ S., R. ~~3~~ W., W. ~~N.~~

11.0 m
140.7

AS

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the WRD entered ~~June 4 '75~~ and supersedes certificate of water right recorded on page ~~16114~~, Volume ~~13~~, SRMRC.

~~The issuance of this superseding cert etc~~

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, 19 49.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume ~~13~~, page ~~16114~~

C-49918

P00: NE 1/4 SW 1/4 Sec 34 T34S R3W W1/4
1480' N & 1450' E from SW cor Sec 34

**NOTICE OF FILING APPLICATION
FOR A CHANGE IN POINT
OF DIVERSION AND PLACE
OF USE OF WATER**

Notice is given hereby that W. H. and Natalie Joslin Hall have filed an application for the approval of a change in point of diversion of water from Evans Creek.

In the Rogue River Adjudication proceedings a water right was established in the name of Louis Sivers for the use of the waters of Evans Creek for the irrigation of 10.0 acres in NE 1/4 SW 1/4, 2.0 acres in SE 1/4 SW 1/4 and 1.0 acre in NW 1/4 SE 1/4, Sec. 34, T. 34 S., R. 3 W., W.M., with a date of priority of 1898.

These lands are irrigated by means of the Sivers Ditch from a point of diversion located 1740 ft. N. and 2450 ft. E. from the SW corner of Sec. 26, being within the NE 1/4 SW 1/4, Sec. 26, T. 34 S., R. 3 W., W.M.

The applicants herein, owners of the lands above described, propose to change the place of use from 1.0 acre in the NE 1/4 SW 1/4 to 1.0 acre in the NE 1/4 SW 1/4, Sec. 34, T. 34 S., R. 3 W., W.M., and to irrigate this land, together with the balance of the lands, from a point of diversion to be located 1610 feet N. and 1440 ft. E. from the SW corner of Sec. 34, being within the NE 1/4 SW 1/4, Sec. 34, T. 34 S., R. 3 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse in Medford on June 3, 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 W. H. and Natalie Joslin Hall, 16032 E. Evans Creek Road, Rogue River, Or., 97537, and one copy filed with the State Engineer, Salem, Or., 97310, together with a \$5 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 State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 28th day of March, 1975.

CHRIS L. WHEELER
State Engineer

Affidavit of Publication

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 Appli. for a Change in
Point of Diversion of Water - Hall

....., 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 April 8, 15, 22, 1975
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Evalynne D. Smith

Subscribed and sworn to before me this 22nd day of April, 1975

RECEIVED

APR 24 1975

STATE ENGINEER
SALEM, OREGON

James J. Osborn
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1977

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF W. H. AND NATALIE JOSLIN HALL
FOR THE APPROVAL OF A CHANGE IN
POINT OF DIVERSION AND PLACE OF USE
OF WATER FROM EVANS CREEK

ORDER APPROVING
TRANSFER NO. 3098

On July 19, 1974, W. H. and Natalie Joslin Hall filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered May 19, 1964, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of Louis Sivers for the use of the waters of Evans Creek for the irrigation of 10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.0 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 34 South, Range 3 West, W.M., with a date of priority of 1898, as evidenced by certificate of water right recorded at Page 16114, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Sivers Ditch from a point of diversion located 1740 feet North and 2450 feet East from the Southwest corner of Section 26, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 34 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use of 1.0 acre in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ to 1.0 acre in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 34 South, Range 3 West, W.M., and to irrigate this land, together with the balance of the lands, from a point of diversion to be located 1610 feet North and 1440 feet East from the Southwest corner of Section 34, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 34 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, if any there were, namely: at the county courthouse in Medford, Oregon, on June 3, 1975, 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 April 8, 15 and 22, 1975. 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 and 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 point of diversion and place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion and place of use of water from Evans Creek, to wit:

From a point located 1740 feet North and 2450 feet East from the Southwest corner of Section 26, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 34 South, Range 3 West, W.M.

To a point to be located 1610 feet North and 1440 feet East from the Southwest corner of Section 34, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 34 South, Range 3 West, W.M.

for the irrigation of 11.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 34 South, Range 3 West, W.M., with a date of priority of 1898, 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, 1976.

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 0.32 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 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 certificate of water right heretofore issued to Louis Sivers and recorded at page 16114, Volume 13, 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 and place of use, a certificate of water right shall be issued to W. H. and Natalie Joslin Hall confirming the change in point of diversion and place of use.

Dated at Salem, Oregon, this 4th day of June, 1975.

/s/ CHRIS L. WHEELER
State Engineer