

3367 Duelline, S. Bryant
19711 E. Evans Creek Road
Central Point 97501

3367

STATUS OF APPLICATION

Change in point of diversion
Date filed 2-27-76
Date of hearing 5-11-76
Place of hearing Mulford, Oregon
Date of order 6-4-76 Vol. 27, page 221
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued FEB 1 1980 Vol. 42, page 48970
OK Cert 1/76

DESCRIPTION OF WATER RIGHT

Name of stream East Fork Evans Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 16^c
Name of ditch Dinkins
Date of priority 1907
In name of J. P. Dinkens
Rogue River Adjudication, Vol. 4, page 18
App. No. _____ Per. No. _____ Cert. No. 16150
Certificate cancelled _____
Notation made on record by _____

FEES PAID

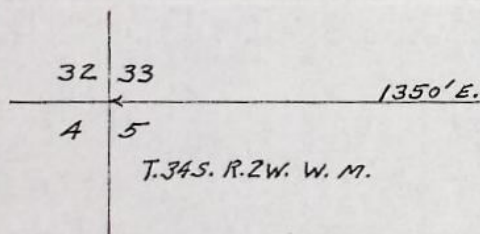
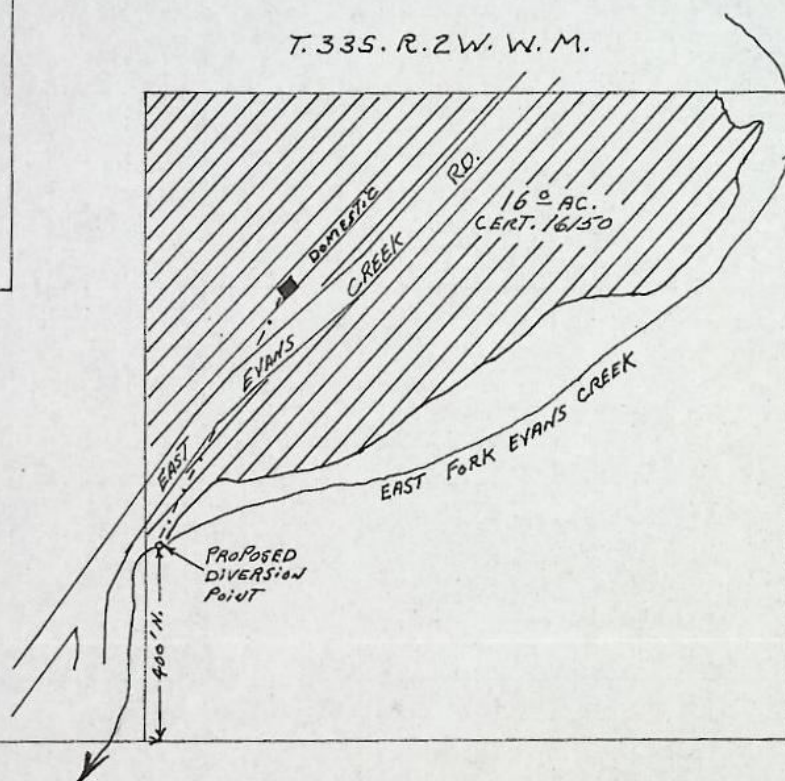
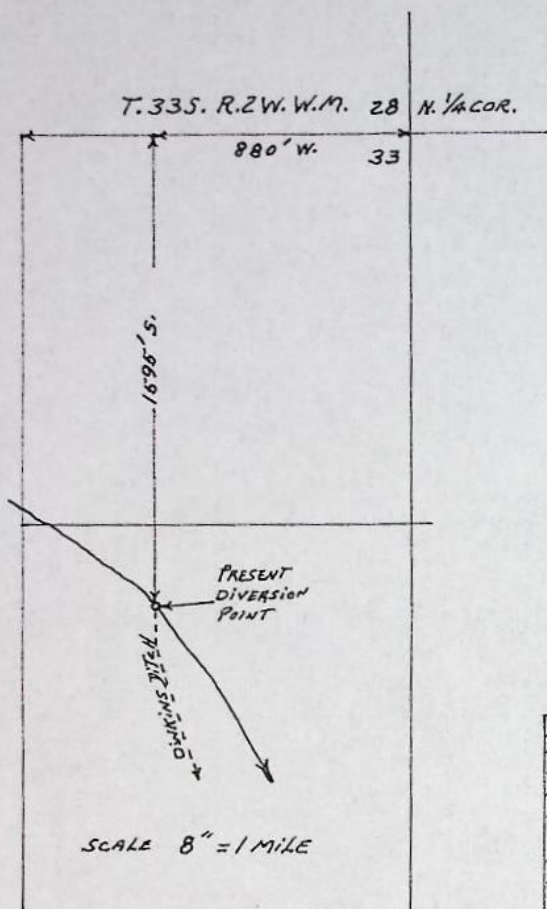
Date	Amount	Receipt No.
<u>2-27-76</u>	<u>35.00</u>	<u>51597</u>
<u>2-27-76</u>	<u>45.00 p.o.n.</u>	<u>51598</u>
TOTAL . . .	<u>82.00</u>	
<u>4-26-76</u>	Cert. Fee	<u>51598</u>
<u>8-27-76</u>	<u>82.00</u>	<u>51598</u> <u>Trsf.</u>
FEES REFUNDED		<u>1/30/76</u> <u>46956</u>

Date	Amount	Check No.
<u>1-15-80</u>	<u>2.00</u>	<u>3895</u> <u>cert. refund</u>

REMARKS

FINAL PROOF MAP in Application 53959

INDEX CARDS:		Entered	Checked
<u>WA</u>	Name	<u>✓</u>	_____
<u>WA</u>	Stream	<u>✓</u>	_____
<u>WA</u>	Pt. of Div.	<u>✓</u>	_____
<u>WA</u>	Calendar	<u>✓</u>	_____
CHECKED TO RECORDS:			
<u>✓</u>	Twp. & Rge.	<u>20</u>	_____
<u>✓</u>	Decree-vault	<u>20</u>	_____
<u>✓</u>	Decree-safe	<u>20</u>	_____
<u>✓</u>	Cert. of W/R	<u>cc</u>	_____
_____	Per. Folder	_____	_____
_____	Chainindex	_____	_____
_____	Cross Ref.	_____	_____
_____	Power Claim	_____	_____
_____	Abstracts	_____	_____



MAP TO ACCOMPANY APPLICATION OF GERALDINE S. BRYANT
FOR CHANGE IN POINT OF DIVERSION OF DOMESTIC AND
IRRIGATION

SCALE 1" = 400'



2-25-76

RECEIVED
MAR - 5 1976
WATER RESOURCES DEPT. 27 1976
SALEM, OREGON
WATER RESOURCES DEPT.
SALEM, OREGON

T-3367

Appl. # T-3367

Kevin P. Evans
Catherine L. Page-Evans
23865 Aetna Street
Woodland Hills, CA 91367
(818) 887-6821

March 19, 2004

OWRD
Attn: Water Rights Division
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RE: CERTIFICATE OF WATER RIGHT
CERTIFICATE #48970

Dear Sir or Madam:

I wish to inform you that we have purchased the property located at 23400 E. Evans Creek Road, White City, OR 97503. We will be utilizing the irrigation rights in accordance with the Certificate of Water Right dated February 1, 1980. For your information I am enclosing a copy of the relevant documents.

If you need any additional information, please do not hesitate to contact us. Thank you.

Sincerely,



Catherine L. Page-Evans

RECEIVED

MAR 22 2004

WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }
OF GERALDINE S. BRYANT FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM EAST FORK }
EVANS CREEK }

ORDER APPROVING
TRANSFER NO. 3367

On February 27, 1976, Gerald S. Bryant filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from East Fork Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to J. P. Dinkens and recorded at Page 16150, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.27 cubic foot per second of water from East Fork Evans Creek for domestic use for one family and the irrigation of 16.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 33 South, Range 2 West, W.M., with a date of priority of 1907. Water for these uses is diverted by means of the Dinkins ditch from a point located 1595 feet South and 880 feet West from the North quarter-corner of Section 33, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 33 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes to provide water for domestic use and to irrigate these lands from a point of diversion to be located 400 feet North and 1350 feet East from the Southwest corner of Section 33, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 33 South, Range 2 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 May 11, 1976, at 9:30 a.m. The notice was published in the Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of March 15, 22 and 29, 1976. 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 of water 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 change in point of diversion of water from East Fork Evans Creek, to wit:

From a point located 1595 feet South and 880 feet West from the North quarter-corner of Section 33, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 33 South, Range 2 West, W.M.

To a point to be located 400 feet North and 1350 feet East from the Southwest corner of Section 33, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 33 South, Range 2 West, W.M.

for domestic use for one family and the irrigation of 16.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 33 South, Range 2 West, W.M., with a date of priority of 1907, 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, 1977.

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 0.27 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 certificate of water right heretofore issued to J. P. Dinkens and recorded at Page 16150, Volume 13, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Geraldine S. Bryant confirming the change in point of diversion.

Dated at Salem, Oregon, this 4th day of June, 1976.

/s/ JAMES E. SEXSON
Director

4-13-78 BRS
PJS-1978-14-A

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR

County Jackson

1. Name Geraldine S. Bryant Address 19711 E. Evans Creek Road, Central Point
97501

2. Source of Supply East Fork Evans Ck., Trib. of

3. Amount of Water 0.27 Priority Date 1907

4. Use domestic and irrigation /

5. Proposed Point of Diversion 470 ft. N. and 1490 ft. E. from SW corner
of Sec. 33, being within the $SE\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 33 S., R. 2 W., W.M.

6. Place of Use DATE FOR APPLICATION OF WATER: 10/1/77

[illegible]

INFO: RALPH BRYANT

SAME AS RECORDED ON APPLICATION 53959

Bennett R. Smith 4-13-78
FL

NOTICE OF COMPLETION OF CONSTRUCTION

I, RALPH L. BRYANT 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 2/27/76, approving an application
for a change in point of diversion of water from Summer Creek

East.

8/25/76
Dated

Ralph L. Bryant
Name

RECEIVED

AUG 27 1976

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

FEB 27 1976

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

MAR - 5 1976

WATER RESOURCES DEPT.
SALEM, OREGON

T-3367

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Geraldine S. Bryant

(Name of applicant)

Central Point,of 19711 E. Evans Cr. Rd., / County of Jackson

(Postoffice)

State of Oregon 97501, 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 East Fork Evans Creek.

(Name of stream)

2. The use to which the water is applied is irrigation and domestic.

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Dinkins Ditch.4. The point of diversion is located 1595 ft. S. and 880 ft. W. from the N $\frac{1}{4}$

(N. or S.)

(E. or W.)

corner of Section 33 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$

(Section or subdivision)

of Section 33 Tp. 33 S. R. 2 W. W. M., in the County of Jackson.

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate 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 $\frac{1}{4}$
33	S	2 W 33												16				
														Dom.				

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

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes.

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes.8. What is the date of priority of your water right? 1907.9. 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 16150.
(Yes or No)

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)

12. Is the water right recorded in your name? No. J. P. Dinkins.
(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 400 ft. N. and 1350 ft. E. from the SW
(N. or S.) (E. or W.)
corner of Sec. 33 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33 Tp. 33 S. R. 2 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, GERALDINE S. DRYANT, 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 20 day of FEBRUARY, 1976

x Geraldine S. Dryant
(Name of applicant)

Subscribed and sworn to before me this 20 day of FEBRUARY, 1976

[Notarial Seal]

RLA W Knight
NOTARY PUBLIC FOR OREGON

My commission expires 7-29-1979

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.

AFFIDAVIT OF PUBLICATION

STATE OF OREGON, }
County of Jackson, } ss.

I, Doris Thompson, being first duly sworn, depose and say that I am the printer of the ASHLAND TIDINGS, a daily newspaper of general circulation, printed and published in Ashland, in the aforesaid county and state; that such newspaper is made up of at least four pages of five columns of at least 17 3/4 inches in depth, or if smaller pages, then comprising an equivalent amount of type matter; that said newspaper was regularly and uninterruptedly published for at least one year immediately proceeding the first publication of the attached notice, and has more than 200 bona fied subscribers within the county in which it is published; that the notice of which the one hereto attached is a true and correct copy, viz;

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER
Notice is given hereby that Geraldine S. Bryant has filed an application for the approval of a change in point of diversion of water from East Fork Evans Creek.
Certificate of water right issued to J. P. Dinkens and recorded at page 16150, Volume 13, State Record of Water Right Certificates, confirms a right to the use of 0.27 cubic foot per second from East Fork Evans Creek for domestic use for one family and the irrigation of 16.0 acres in SE 1/4 SW 1/4, Sec. 33, T. 33 S., R. 2 W., W.M., with a date of priority of 1907. Water for these uses is diverted by means of the Dinkens ditch from a point located 1595 ft. S. and 880 ft. W. from the N 1/4 corner of Sec. 33, being within the SE 1/4 NW 1/4 of Sec. 33, T. 33 S., R. 2 W., W.M.
The applicant herein, owner of the land above described, proposes to provide water for domestic use and to irrigate these lands from a point of diversion to be located 400 ft. N. and 1350 ft. E. from the SW corner of Sec. 33, being within the SE 1/4 SW 1/4, Sec. 33, T. 33 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 May 11, 1976, 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 Geraldine S. Bryant, 19711 E. Evans Creek Road, Central Point, Oregon 97501, 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 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 Department upon request.
Dated at Salem, Oregon, this 11th day of March, 1976.
JAMES E. SEXSON
Director
Publish: March 15, 22 and 29

was published in the regular ... three ... successive a dated the 15th day issue dated 29th day

That the price actually That a reduction of \$... charitable purposes.

Subscribed and sworn to

spaper once a week for nencing with the issue , and ending with the 1976 \$ 42.78 legal rate was made for Thompson of March, 1976 Public for Oregon. (10-5-78)

AFFIDAVIT OF PUBLICATION

STATE OF OREGON, }
County of Jackson, } ss.

I, Doris Thompson, being first duly sworn, depose and say that I am the printer of the ASHLAND TIDINGS, a daily newspaper of general circulation, printed and published in Ashland, in the aforesaid county and state; that such newspaper is made up of at least four pages of five columns of at least 17 3/4 inches in depth, or if smaller pages, then comprising an equivalent amount of type matter; that said newspaper was regularly and uninterruptedly published for at least one year immediately proceeding the first publication of the attached notice, and has more than 200 bona fied subscribers within the county in which it is published; that the notice of which the one hereto attached is a true and correct copy, viz;

NOTICE OF FILING
APPLICATION FOR A
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DIVERSION OF WATER

Notice is given hereby that Geraldine S. Bryant has filed an application for the approval of a change in point of diversion of water from East Fork Evans Creek.

Certificate of water right issued to J. P. Dinkens and recorded at page 16150, Volume 13, State Record of Water Right Certificates, confirms a right to the use of 0.27 cubic foot per second from East Fork Evans Creek for domestic use for one

was published in the regular and entire issue of said newspaper once a week for ... three ... successive and consecutive weeks, commencing with the issue dated the 15th day of March, 1976, and ending with the issue dated 29th day of March, 1976.

That the price actually charged for this notice was \$ 42.78.

That a reduction of \$ from the legal rate was made for charitable purposes.

Subscribed and sworn to before me this 31st day of March, 1976.

Notary Public for Oregon.

(My commission expires 10-5-78)

68-02265

37704
33-33-2nd

KNOW ALL MEN BY THESE PRESENTS, THAT CHARLES P. NELSON, a single man

in consideration of Thirty Thousand and 00/100ths Dollars,

to him paid by GERALDINE S. BRYANT, a married woman

do hereby grant, bargain, sell and convey unto the said grantee her heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Jackson and State of Oregon, bounded and described as follows, to-wit:

The West one half of the Southwest quarter, the Southwest quarter of the Northwest quarter and the Southeast quarter of the Southwest quarter, all in Section 33, Township 33 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon.

EXCEPT that portion of the Southeast quarter of the Southwest quarter lying South and East of the centerline of the East Fork of Evans Creek.

SUBJECT TO:

1. The rights of the public in and to public roads.
2. Easement in Jackson County Deed Book 390, Page 139, in favor of The California Oregon Power Company.
3. Easement in Jackson County Deed Book 458, Page 227, in favor of Columbia Utilities Company.

Reserving unto grantor a lot 150 feet x 150 feet upon which the house is located, rent free for the balance of his natural life; said reservation to cease 30 days after grantor vacates said premises.

To Have and to Hold the above described and granted premises unto the said grantee her heirs and assigns forever.

And the grantor doeth covenant that he lawfully seized in fee simple of the above granted premises free from all incumbrances, except as heretofore mentioned

and that he will and his heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whatsoever.

Witness my hand and seal this 15 day of March, 1968

Charles P. Nelson (seal)

STATE OF OREGON, (seal)

County of Jackson On this 15 day of March, 1968

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Charles P. Nelson, a single man

who, is known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Robert E. Bradman
Notary Public for Oregon
8-18-68

My Commission expires

WARRANTY DEED

68-02265

Charles P. Nelson, a single man

Geraldine S. Bryant, a married woman

STATE OF OREGON

County of Jackson

I certify that the within instrument was received for record in the

1968 Mar 15, 11:17 a.m.

and returned to the grantor

at Medford, Oregon

Witness my hand and seal of

Robert E. Bradman

Notary Public for Oregon

OREGON TITLE INSURANCE CO.

111 WEST MAIN STREET
MEDFORD, OREGON

Geraldine Bryant
1917 Mabury

RECORDS AND RETURNED TO

INDEXED

3-19-68

T-3367