

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in P.O.D
Date filed August 26, 1977
Date of hearing Nov 1, 1977
Place of hearing Medford, OR
Date of order 11-3-77 Vol. 30, page 12
Date for application of water 10-1-79
Proof mailed _____
Proof received APR 12 1978
Certificate issued MAR 23 1987 Vol. 37, page 45400
51 55899
to survey 5/75

Name of stream East Fork Evans Creek
Trib. of _____ County of JACKSON
Use _____
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority _____
In name of _____
Rogue River Adjudication, Vol. 4, page 18 (2)
App. No. _____ Per. No. _____ Cert. No. 16153
Certificate cancelled _____
Notation made on record by _____

Date	Amount	Receipt No.
8-26-77	85.00	63510
TOTAL . . .		
10-21-77	2 Cert. Fee	Transferred from 63510
Medford Mail Tribune # 29.05 10/21/77 cl 1679		

FEES REFUNDED

Date	Amount	Check No.
12-21-77	# 1895	1680
Recd		85-
Exam	20-	
POD	15-	
Cert	2-	
PON	<u>29.05</u>	
		66.05

REMARKS

See also T-3324 re f.p. & RR Cert.

W.R.I.S.

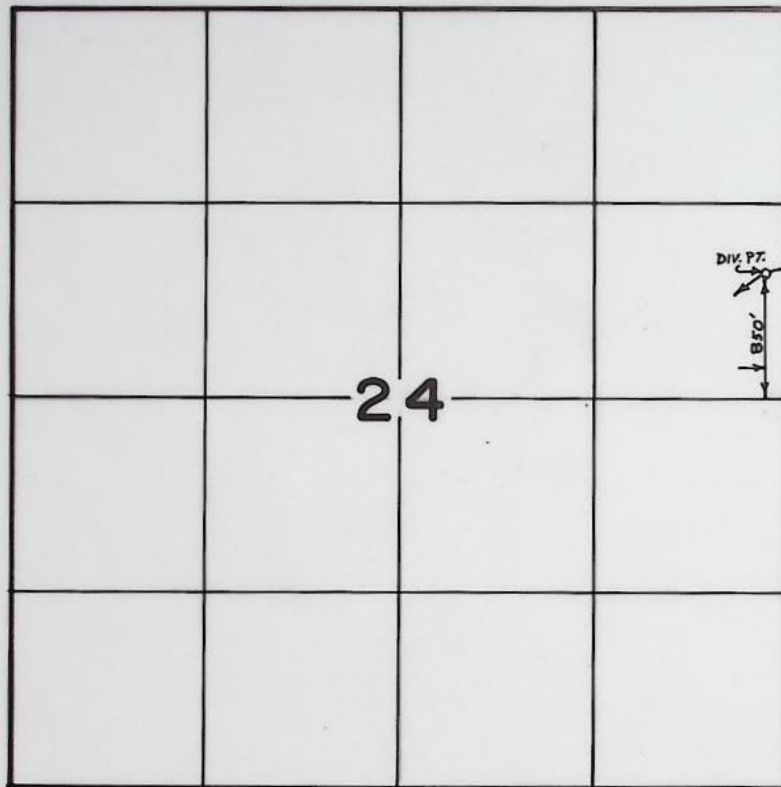
Assembled 6-21-85 by SRA

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Surname	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Fl. o. Div.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	CHECKED TO RECORDS:		
<input type="checkbox"/>	Two to three	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-vault	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-safe	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Per. Folder	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Chaindex	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Abstracts	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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



Scale 4"=1 mile

FINAL PROOF SURVEY
UNDER

Transfer no. 3764

Application No. Permit No.
IN NAME OF

.....MARTIN & CAROLYN ROBBINS.....

Surveyed Sept. 17, 1980, by B.R. SUND.....

PTS-1980-14-A

BSJ

PTS-1978-14-A

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF MARTIN J. AND CAROLYN ZOWADA)
ROBBINS FOR APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3764

On August 26, 1977, an application was filed in the office of the Water Resources Director by Martin J. and Carolyn Zowada Robbins for approval of a change in point of diversion from East Fork Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16153, Volume 13, State Record of Water Right Certificates, in the name of W. H. Pattillo, describes a right which includes the use of not to exceed 0.08 cubic foot per second of water from East Fork Evans Creek, with a date of priority of 1892 (and supplemental supply from Spignet Creek, with a date of priority of 1871) for irrigation of a certain 4.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 34 South, Range 3 West, W.M.

Water from the East Fork of Evans Creek for the said right is diverted, through the Upper Bybee Ditch, from a point located 2000 feet South and 4400 feet East from the Northwest corner of Section 19, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 34 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 850 feet North and 130 feet West from the East quarter corner of Section 24, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 34 South, Range 3 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 September 6, 13 and 20, 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.

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.

V30
P12

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion from East Fork Evans Creek, 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 0.08 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:

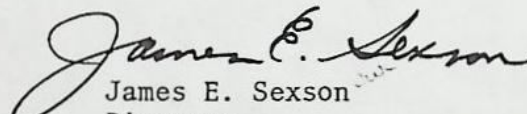
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the wier 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 W. H. Pattillo and recorded at page 16153, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, 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 3rd day of November, 1977.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That W. H. Pattillo

of Grants Pass, State of Oregon, has a right to the use of

the waters of East Fork Evans Creek, a tributary of Evans Creek, and supplemental supply from Spignet Creek, a tributary of East Fork of Evans Creek for the purpose of irrigation of 20.9 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 1892 for East Fork Evans Creek, and 1871 for Spignet Creek;

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 ^{0.35} ~~0.65~~ cubic foot per second from both sources, subject to the provisions of paragraph 79 of said decree.

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:

10.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 25,
~~14~~ 6.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
~~7.0~~ acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
~~22~~ 8.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
 3.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 24,
 T. 34 S., R. 3 W., W. M.

2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
 2.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 19,
 T. 34 S., R. 2 W., W. M.

20.9

~~23.9~~
~~0.67 cfs~~
 0.35

~~0.65 cfs~~
~~0.35 cfs~~

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 16153, Volume 13, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Nov 3, 1977, approving transfer application No. 3764.
 and Nov. 16, 1977, " " " " 3324
 The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

use herein described.

WITNESS the signature of the State Engineer, affixed

this 30 day of September, 1949.

See file T-3764 for \$2-

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16153

DO W/T-3324

T-3764

(A)

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That W. H. Pattillo

of Grants Pass ~~ROGUE RIVER~~, State of Oregon, has a right to the use of

the waters of ~~East Fork Evans Creek~~, a tributary of Evans Creek, and supplemental supply from Spignet Creek, a tributary of East Fork of Evans Creek for the purpose of irrigation of 38.5 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 1892 for East Fork Evans Creek, and 1871 for Spignet Creek;

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 0.65 cubic foot per second from both sources, subject to the provisions of paragraph 79 of said decree.

if available at the original point of diversion

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:

- 10.0 acres in NW 1/4 NW 1/4 Section 25,
- 4.6 acres in SE 1/4 NE 1/4
- 7.0 acres in NE 1/4 SW 1/4
- 8.0 acres in SW 1/4 SW 1/4
- 3.5 acres in NW 1/4 SE 1/4
- Section 24,
- T. 34 S., R. 3 W., W. 1.
- 2.0 acres in NE 1/4 NW 1/4
- 2.0 acres in NW 1/4 NW 1/4
- Section 19,

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered Nov. 3, 1977, and together with certificate of water right recorded at page 45400, Volume 37, State Record of Water Right Certificates, supersedes certificate 16153.

The issuance... (glossary J)

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, 1949.

CHAS. E. STRICKLIN State Engineer

State Record of Water Right Certificates, Volume 13, page 16153

55899

P00: da Sec 24 T34SR3W WMA
850' N 1/4 150' W from E 1/4 sec 24

9028D

NOTICE OF WATER RIGHT TRANSFER
APPLICATION NO. 3764

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Martin J. and Carolyn Zowada Robbins for approval of a change in point of diversion from East Fork Evans Creek.

The certificate recorded at page 16153, Volume 13, State Record of Water Right Certificates, in the name of W. H. Pattillo, describes a right which includes the use of not to exceed 0.08 cubic foot per second from E. Fk. Evans Creek for irrigation of a certain 4.6 acres in SE 1/4 NE 1/4 of Section 24, Township 34 South, Range 3 West, WM, with a date of priority of 1892.

Water for the said right is diverted, through the Upper Bybee Ditch, from a point located 2000 ft S and 4400 ft E from the NW corner of Sec 19, being within the SE 1/4 NE 1/4 of Sec 19, T 34 S, R 2 W, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 850 ft N and 130 ft W from the E 1/4 corner of Sec 24, being within the SE 1/4 NE 1/4 of Sec 24, T 34 S, R 3 W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on November 1, 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 Martin and Carolyn Robbins, 18781 E Evans Creek Rd, Rogue River, OR 97537 and one copy filed with the Water Resources Department, Salem, OR 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 29th day of August, 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 No.

3764, 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 Sept. 6, 13, 20, 1977
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sharon J. Morris
Subscribed and sworn to before me this 21st day of Sept., 1977

James J. Carlson
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981

No. _____

In the _____ Court of the

STATE OF OREGON
for the
COUNTY OF JACKSON

RECEIVED

SEP 23 1977

WATER RESOURCES DEPT
SALEM, OREGON

Affidavit of Publication

Filed _____, 19____

Clerk.

By _____
Deputy.

From the Office of

Attorney for _____