

4037 Baines

Name Kenneth C. &/or Dora M. Baines

By _____

Address 9876 E. Evans Creek Rd.Rogue River, OR 97537Change in POVDate filed Sept 7, 1978

Date of hearing _____

Place of hearing _____

Date of order 9-15-78 Vol. 31, page _____Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued JUN 07 1999 Vol. _____, page 76182*to survey 11/80*

REMARKS

CARD FOR C NOV 4 1980

4037

DESCRIPTION OF WATER RIGHT

Name of stream Evans CreekTrib. of _____ County of JacksonUse irrigationQuantity of water _____ No. of acres 1.2 acName of ditch Williams & WhalenDate of priority 1896In name of George BeersRogue River Supl Findings Adjudication, Vol. 13, page 319
(orig 32767)App. No. _____ Per. No. _____ Cert. No. 42921

Certificate cancelled _____

Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|---------------|------------|-------------|
| <u>9-7-78</u> | <u>30-</u> | <u>5968</u> |
| TOTAL . . . | | |
| | Cert. Fee | |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
|------|--------|-----------|

*exam 20⁰⁰**POV 10⁰⁰**3000*

| TO BE ENTERED WHERE CHECKED | INDEX CARDS: | | Entered | Checked |
|-------------------------------------|---------------------|--|------------|---------|
| | | | | |
| <input checked="" type="checkbox"/> | Name | | <i>lcj</i> | |
| <input checked="" type="checkbox"/> | Stream | | <i>lcj</i> | |
| <input checked="" type="checkbox"/> | Pt. of Div. | | | |
| <input checked="" type="checkbox"/> | Calendar | | <i>lcj</i> | |
| <input checked="" type="checkbox"/> | CHECKED TO RECORDS: | | | |
| <input checked="" type="checkbox"/> | Twp. & Rge. | | <i>lcj</i> | |
| <input checked="" type="checkbox"/> | Decree-vault | | <i>lcj</i> | |
| <input checked="" type="checkbox"/> | Decree-safe | | <i>lcj</i> | |
| <input checked="" type="checkbox"/> | Cert. of W/R | | <i>lcj</i> | |
| <input checked="" type="checkbox"/> | Per. Folder | | | |
| <input checked="" type="checkbox"/> | Chainindex | | | |
| <input checked="" type="checkbox"/> | Cross Ref. | | | |
| <input checked="" type="checkbox"/> | Power Claim | | | |
| <input checked="" type="checkbox"/> | Abstracts | | <i>lcj</i> | |

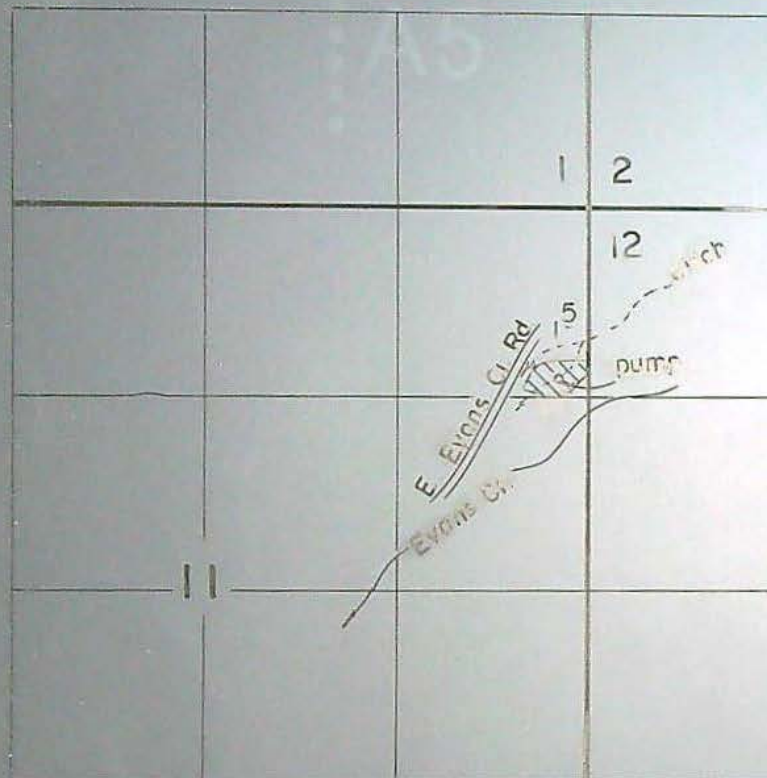
W.R.I.S.

Assembled _____ by _____

Entered _____ by _____

Verified _____ by _____

T. 35 S., R. 4 W., W. M.



Scale: 1" = 1320'

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 4037

Application No. Permit No.
IN NAME OF

KENNETH C. &/OR DORA M. BAINES

Surveyed JUN 15, 1987, by B. S. JAMES...

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GEORGE BEERS and
ROGUE RIVER, OR 97537

KENNETH C. AND/OR DORA M. BAINES
9876 E. EVANS CREEK ROAD
ROGUE RIVER, OR 97537

confirms the right to use the waters of EVANS CREEK, a tributary of ROGUE RIVER, for DOMESTIC, STOCK AND IRRIGATION OF 3.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 16, at Page 523. The date of priority is 1896.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

WILLIAMS AND WHALEN DITCH - SE 1/4 SE 1/4, SECTION 6, TOWNSHIP 35 SOUTH, RANGE 3 WEST, W.M.; 475 FEET NORTH AND 860 FEET WEST FROM THE SE CORNER OF SECTION 6.

A description of the place of use to which this right is appurtenant is as follows:

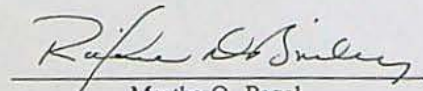
NE 1/4 NE 1/4 1.5 ACRES
SE 1/4 NE 1/4 1.5 ACRES
SECTION 11
TOWNSHIP 35 SOUTH, RANGE 4 WEST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered SEPTEMBER 15, 1978, and ALONG WITH THE UNMODIFIED PORTION OF CERTIFICATE 42921 NOT INVOLVED IN TRANSFER NO. 4037, supersedes Certificate 42921, 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.

WITNESS the signature of the Water Resources Director, affixed JUNE 7, 1999.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76182.

T-4037.SB

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That GEORGE BEERS

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
 domestic, stock, and irrigation of 3.0 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 WATER RESOURCES DIRECTOR, in Volume 16, at page 523; that the priority of the
 right thereby confirmed dates from 1896

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 0.05 cubic foot of
 water per second.

The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, T. 35 S., R. 3 W., W. M.

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

15 3.0 acres in that part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ T. 40S7
 North of Evans Creek 1.5 ac
 Section 11
 T. 35 S., R. 4 W., W. M.

An order of the State Engineer entered August 9, 1974, approved a change
 in point of diversion for the irrigation of 23.5 acres. This certificate
 is issued to confirm the remaining right not involved in the change and
 supersedes the certificate heretofore issued to George Beers and recorded
 at page 32767, State Record of Water Right Certificates.

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 Water Resources Director, affixed

this date April 21, 1976.

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 34, page 42921

T-4037

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF KENNETH C. & DORA M. BAINES)
FOR APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM EVANS CREEK)

ORDER APPROVING
TRANSFER NO. 4037

On September 7, 1978, an application was filed in the office of the Water Resources Director by Kenneth C. and Dora M. Baines for approval of a change in place of use of water from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 42921, Volume 34, State Record of Water Right Certificates, in the name of George Beers, describes a right which includes the use of not to exceed 0.025 cubic foot per second from Evans Creek for irrigation of a certain 1.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 35 South, Range 4 West, W.M., with a date of priority of 1896.

Water for the said right is diverted, through the Williams & Whalen Ditch, from a point located 475 feet North and 860 feet West from the Southeast Corner of Section 6, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 35 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 1.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 35 South, Range 4 West, W.M.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

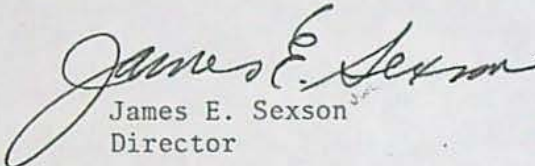
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to George Beers and recorded at page 42921, Volume 34, State Record of Water Right Certificates, be canceled; and in lieu thereof a new confirming certificate of water right be issued to the applicants herein.

Dated at Salem, Oregon this 15th day of September, 1978.


James E. Sexson
Director