

2341 Jones & Bryant
 432 Morton St.
 Ashland, Ore. 97520

2341

STATUS OF APPLICATION

Change in Place of Use & Pt. of Div.
 Date filed February 10, 1970
 Date of hearing August 10, 1971
 Place of hearing Medford, Oregon
 Date of order 8-10-71 Vol. 21, page 183
 Date for application of water 10-1-72
 Proof mailed _____
 Proof received _____
 Certificate issued SEP 20 1971 Vol. 29, page 37660
RR,
12-28-72 Survey
to survey 4/74
42
 SEP 13 1979

DESCRIPTION OF WATER RIGHT

Name of stream Ashland Creek
 Trib. of _____ County of Jackson
 Use Irrigation
 Quantity of water 0.09 cfs No. of acres 7.0
 Name of ditch Smith-Myer-Roper
 Date of priority 1864
 In name of H.B. & L.B. Sander
Rogue River Adjudication, Vol. 4, page 12 col. 3
 App. No. _____ Per. No. _____ Cert. No. 16031 37480
 Certificate cancelled _____
 Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>2/10/70</u>	<u>35.00</u>	<u>17706</u>
<u>2/10/70</u>	<u>40.00 POK</u>	<u>17707</u>
TOTAL . . .	<u>\$75.00</u>	
<u>6-30-71</u>	<u>\$1 Cert. Fee</u>	<u>From Pub. of Notice</u>

FEES REFUNDED

Date	Amount	Check No.
<u>6-30-71</u>	<u>\$7.20 Pub. of Not.</u>	<u>4279</u>

REMARKS

see Transfer No 2338 for complete info on cert 16031 and adjacent rights.
ORIGINAL OF F. PROOF IN R-98555
T-5861 A USE, POV, POD

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

CANCELED

Superseded by 38991
Cert. No. 38220
141652

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. B. SANDER and L. B. SANDER

of Ashland, State of Oregon, has a right
to the use of the waters of Ashland Creeka tributary of Bear Creek for the purpose of
irrigation of 50.1 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 1864;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 0.631 cubic foot per
second.The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, T. 39 S., R. 1 E., W. M.
Diversion point located below:
A description of the place of use under the right, and to which such right is appurtenant, is as
follows:21.6 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 426.5 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 5
T. 39 S., R. 1 E., W. M.2.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 32
T. 38 S., R. 1 E., W. M.17.9 acres Trif.
V. 22 P 225
T-2634Diversion point located: (Smith-Myer, Roper ditch) 850 feet North and 300 feet
West from SW Corner, Million DLC 41.Certificate of water right issued to H. B. Sander and L. B. Sander and recorded
at page 37480, Volume 29, State Record of Water Right Certificates, confirms
the right to the use of water for irrigation of 57.1 acres. A change in the T-2341
right to the use of water appurtenant to 7.0 acres was approved by order of the
State Engineer entered August 10, 1971. This certificate is issued to confirm
the remaining right to the use of water for irrigation and supersedes the cer-
tificate heretofore issued to H. B. Sander and L. B. Sander.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 date September 20, 1971.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37660

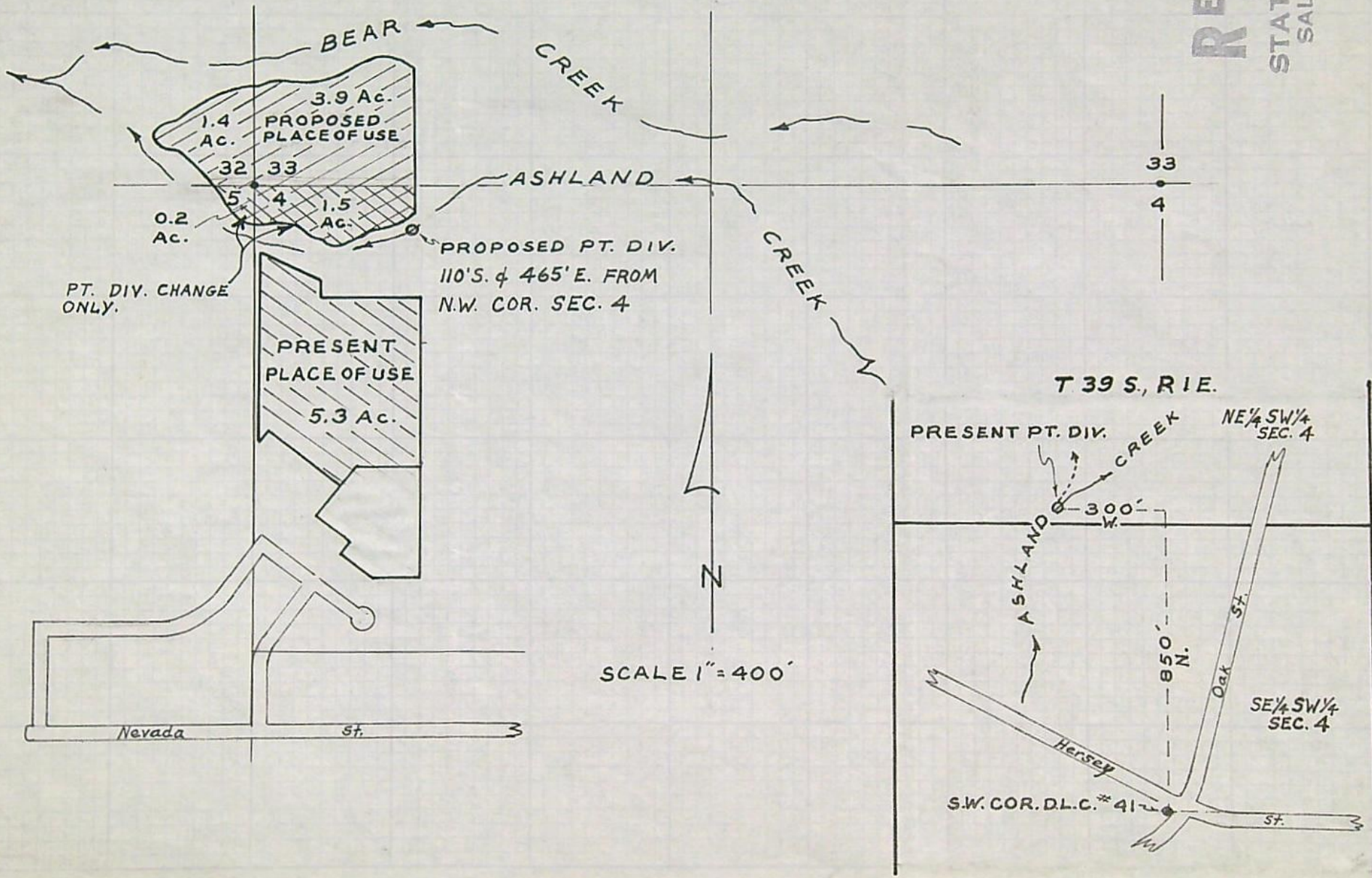
MAP TO ACCOMPANY APPLICATION FOR CHANGE IN PLACE OF USE AND CHANGE OF POINT OF DIVERSION BY

KENNETH H. JONES AND PHILLIP F. BRYANT

LOCATED IN SECTIONS 32+33, T.38 S., R.1 E. AND SECTIONS 4+5 T.39 S., R.1 E., W. M. FEB. 9, 1970

RECEIVED
FEB 10 1970
STATE ENGINEER
SALEM, OREGON

RECEIVED
APR 29 1971
STATE ENGINEER
SALEM, OREGON



CHANGE IN PLACE OF USE AND POINT OF DIVERSION

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR

4-8-78 BCS
PIS-1978-14-C
PAX-8AA-53

Transfer No. 2341 County Jackson

- Name Kenneth H. and Laura Jones Address 437 Morton St., Ashland 97520
Phillip F. and Luella Bryant
- Source of Supply Ashland Creek, Trib. of Bear Cr.
- Amount of Water 0.09 Priority Date 1864
- Use irrigation of 6² AC.
- Proposed Point of Diversion 110 feet south and 465 feet east from the NW corner
of Section 4, being within the NW¹/₄ NW¹/₄ of Sec. 4, T. 39 S., R. 1 E., W.M.

DIV. PT. #2 - 60' S. & 150' E. N.E.

6. Place of Use DATE FOR APPLICATION OF WATER: 10/1/72

SEE BK
9-10-74
R.C.M.

C.I.P.O.D.
P.O.U.

C.I.P.O.D.
ONLY

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
38 S	1 E	32	(SE ¹ / ₄ SE ¹ / ₄) w/in Lot 5	1.4 acres	1 ³
38 S	1 E	33	(SW ¹ / ₄ SW ¹ / ₄) w/in Lot 7	3.9 acres	3 ⁷
39 S	1 E	4	W¹/₂ NW¹/₄ NW¹/₄	1.5 acres	
39 S	1 E	5	NE¹/₄ NE¹/₄	0.2 acres	
39 S	1 E	32	(SE ¹ / ₄ SE ¹ / ₄) w/in Lot 5		0 ²
39 S	1 E	33	(SW ¹ / ₄ SW ¹ / ₄) w/in Lot 7		0 ⁶
		4	NW ¹ / ₄ NW ¹ / ₄		0 ⁸
		5	(NE ¹ / ₄ NE ¹ / ₄) w/in Lot 1		0 ¹
					<u>6⁷</u>

No "C" record.

INFO: W.L. Bryant

Land in question is supposedly being bought by the county by the end of this month. They may possibly buy.

Bryant inv. last in 1973. Says he had a 2 1/2 HP Briggs & Stratton pump & inv. of big flooding from 3 separate pumps pts. using 250' - 2" plastic line.

Has sold equip.

Land filed on has been approx 1/2 covered with sand from floods last winter. All is in weeds & is being used for horse pasture now.

Should check with county later

9-18-74

F.E.

R.G. Muehlen

INFO: 5-24-78 : PHIL BRYANT NOTE TO HENDRIX (W.M.)

PUMPED UP TO 1974 FLOOD, \$375.00 PUMP & MOTOR.

PASTURE FOR 30 MULES, 150' - PIPE PARTLY BURIED
150' PLASTIC 4" PIPE.

5-25-78 : HENDRIX TALKED TO BRYANT (PHONE)

PUMP: BERKELEY SERIAL # 7281589 2" x 2"
MODEL # B2XQKLS

MOTOR: BRIGGS & STRATTON 3HP @ 3600 RPM 140 GPM

PIPE: 250' - 4" - PIPE PLASTIC

$$\frac{3(6.61)}{114 + 3} = 0.17 \text{ c.f.s.}$$

- DITCHES FROM ENDS OF PIPE

$$\frac{6.7}{80} = 0.08 \text{ c.f.s.}$$

LIFT: 2 1/2'

USE: USED IN 1974 FOR PASTURE 30 MULES

USED FOR PASTURE 1978

TIE: PIS-1978-14-C PHOTO BAX-1AA-53

NOTE: USED DIV. PT. 110'S & 465'E FROM NW COR. SEC. 4. UP UNTIL 1974 THEN FLOOD CHANGE COURSE OF WATER AND NEW SEWAGE TREATMENT PLANT DUMPS THEIR WASTE INTO ASHLAND CREEK SO 1977-1978 THEY HAVE GONE BACK TO ORIGINAL DIV. PT. ON SMITH-MEYER-REAR DITCH. AFTER THIS TRANSFER IS APPROVED THEY (JONES AND BRYANT) WILL NEED A CHANGE IN FOD TO PUT DIV. PT. BACK TO DITCH THROUGH A SUBDIVISION.

Gene R. Smith
F.E. 98-78

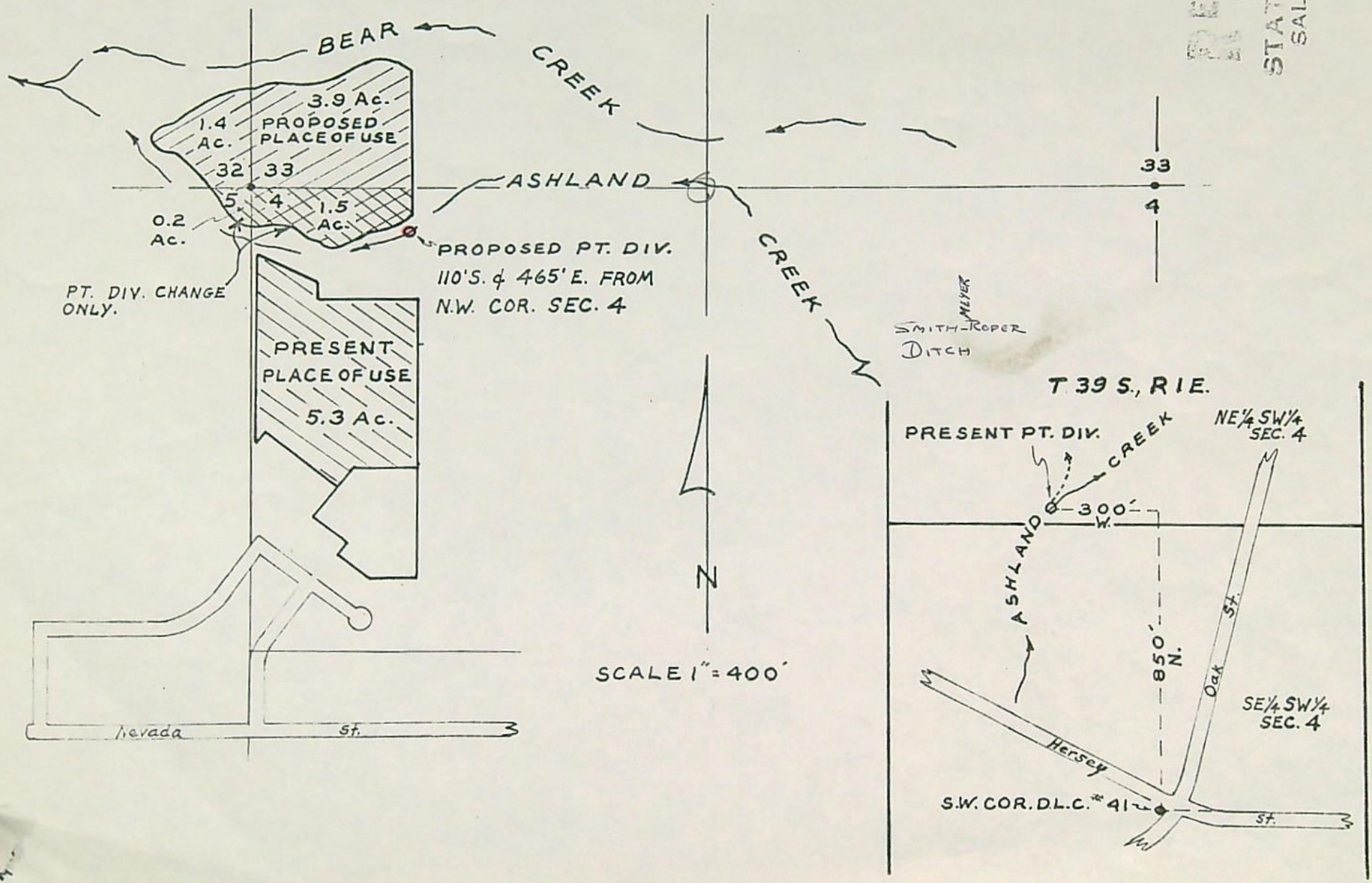
MAP TO ACCOMPANY APPLICATION FOR CHANGE IN
PLACE OF USE AND CHANGE OF POINT OF DIVERSION
BY

KENNETH H. JONES AND PHILLIP F. BRYANT

LOCATED IN SECTIONS 32+33, T.38 S., R.1 E. AND
SECTIONS 4+5 T.39 S., R.1 E., W.M. FEB. 9, 1970

RECEIVED
STATE ENGINEER
SALEM, OREGON

RECEIVED
APR 29 1971
STATE ENGINEER
SALEM, OREGON



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
CITY OF ASHLAND FOR APPROVAL OF)
CHANGES IN USE HERETOFORE MADE)
AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5861

On October 9, 1986, an application was filed in the office of the Water Resources Director by City of Ashland for approval of changes in use heretofore made and point of diversion of water from Ashland Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 48561, Volume 42, State Record of Water Right Certificates, in the names of Kenneth H. and Laura Jones and Phillip F. and Luella M. Bryant, describes a right for the use of not to exceed 0.09 cubic foot per second from Ashland Creek, for irrigation of a certain 1.4 acres in Lot 5 (SE 1/4 SE 1/4), Section 32; 3.9 acres in Lot 7 (SW 1/4 SW 1/4), Section 33, both Township 38 South, Range 1 East, WM; 1.5 acres in NW 1/4 NW 1/4, Section 4 and 0.2 acre in Lot 1 (NE 1/4 NE 1/4), Section 5, both Township 39 South, Range 1 East, WM with a date of priority of 1864.

Water for the said right is diverted, through the Smith-Myer Roper Ditch, from a point located 60 feet South and 450 feet East from the Northwest Corner of Section 4, being within the NW 1/4 NW 1/4 of Section 4, Township 39 South, Range 1 East, WM.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made therefrom, to municipal use within Sections 4, 5, 8, 9, 10, 11, 14, 15, 16, 17 and 23, Township 39 South, Range 1 East, WM, and to change the point of diversion to a point located 100 feet North and 10 feet West from the Southeast Corner of Section 20, being within the SE 1/4 SE 1/4 of Section 20, Township 39 South, Range 1 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Daily Tidings, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of October 30, November 6 and 13, 1986.

Bruce R. Sund, Watermaster, has filed a statement to the effect that the proposed changes in use heretofore made and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in use heretofore made and point of diversion are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water used for the proposed purpose shall not exceed 0.09 cubic foot per second, and shall be used only during the irrigation season of each year.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment 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;

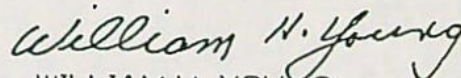
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the subject water right is hereby severed from the use and place of use described in Certificate 48561, and shall be beneficially used as authorized by this order on or before October 1, 1991.

It is FURTHER ORDERED that the right to divert water from the point described in Certificate 48561 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1991.

It is FURTHER ORDERED that the certificate recorded at page 48561, Volume 42, State Record of Water Right Certificates, is canceled; 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 23rd day of December, 1986


WILLIAM H. YOUNG, SRA
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

0337/f
7925D

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF KENNETH H. AND LAURA JONES AND)
PHILLIP F. AND LUELLE M. BRYANT)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION AND PLACE OF)
USE OF WATER FROM ASHLAND CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 2341

On February 10, 1970, Kenneth H. and Laura Jones and Phillip F. and Luella M. Bryant 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 Ashland Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, 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 names of H. B. and L. B. Sander for the use of the waters of Ashland Creek for the irrigation of, among other lands, 6.8 acres in $W\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, and 0.2 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 39 South, Range 1 East, W.M., with a date of priority of 1864. This right is evidenced by certificate of water right recorded at page 37480, Volume 29, State Record of Water Right Certificates. These lands are irrigated by means of the Smith-Myer, Roper Ditch from a point of diversion located 850 feet north and 300 feet west from the SW corner of DLC No. 41 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 39 South, Range 1 East, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use of 5.3 acres in $W\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 39 South, Range 1 East, W.M. to 1.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, and 3.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 38 South,

Range 1 East, W.M. and irrigate these lands together with 1.5 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, and 0.2 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 39 South, Range 1 East, W.M. from a point of diversion to be located 110 feet south and 465 feet east from the NW corner of Section 4 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 39 South, Range 1 East, 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 place of use and point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on August 10, 1971, 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 June 14, 21, and 28, 1971. 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 place of use and point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use and 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 place of use of water is approved and the water right hereinbefore described as appurtenant to 5.3 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 39 South, Range 1 East, W.M., with a date of priority of 1864, be severed therefrom and simultaneously and without loss of priority transferred to 1.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, and 3.9

acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 38 South, Range 1 East, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Ashland Creek, to-wit:

From a point located 850 feet north and 300 feet west from the SW corner of DLC No. 41 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 39 South, Range 1 East, W.M.

To a point to be located 110 feet south and 465 feet east from the NW corner of Section 4 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 39 South, Range 1 East, W.M.

for the irrigation of 1.5 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, 0.2 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 39 South, Range 1 East, W.M., 1.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, and 3.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 38 South, Range 1 East, W.M., with a date of priority of 1864, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1972.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.09 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 H. B. and L. B. Sander and recorded at page 37480, Volume 29, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, 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 Kenneth H. and Laura Jones and Phillip F. and Luella M. Bryant confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 10th day of August, 1971.

/s/ CHRIS L. WHEELER
State Engineer

RECEIVED
FEB 10 1970
STATE ENGINEER
SALEM, OREGON

RECEIVED
APR 29 1971
STATE ENGINEER
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, We, Kenneth H. and Laura Jones and Phillip F. and Luella M. Bryant
(Name of applicant)

of 437 Morton Street, Ashland, County of Jackson
(Postoffice)

State of Oregon 97520, do hereby make application for change in place of use

and point of diversion.

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

1. The source of present water right is Ashland 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 Smith-Myer-Roper Ditch.

4. The point of diversion is located 850 ft. N. and 300 ft. W. from the SW
(N. or S.) (E. or W.)

corner of DLC #41 being within the NE¹/₄ SW¹/₄
(Section or subdivision)

of Section 4 Tp. 39 S. R. 1 E. W. M., in the County of Jackson Creek.
(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 ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄
39 S	1 E	4					W ¹ / ₂	5.3 - change in point of diversion & place of use.										
		4						1.5 - change in point of diversion only.										
		5	0.2 - change in point of diversion only.															

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

8. What is the priority date of your water right? 1864.

9. Was your water right acquired by State Engineer's Permit? No. If so, give number of permit

37480

10. Do you hold a water right certificate? Yes. If so, give number of certificate 16031.
(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 (Page 12, Col. 3).
(Yes or No)

12. Is the water right recorded in your name? No, H. B. and L. B. Sander. 4-26-19
(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 $\frac{1}{4}$
38 S	1 E.	32																1.4
38 S	1 E.	33											3.9					

(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 110 ft. S. and 465 ft. E. from the NW
(N. or S.) (E. or W.)
corner of Sec. 4 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4 Tp. 39 S R. 1 E. 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 plant.

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.? Yes.
(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 the present irrigated lands are to be subdivided and no irrigation is desired.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson } ss.

We, Kenneth H. and Laura Jones and Phillip F. and Luella M. Bryant
I, 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 14th day of January, 1970

X Phillip F. Bryant X Luella M. Bryant X Laura Jones (Name of applicant)

Subscribed and sworn to before me this 16th day of January, 1970

[Notarial Seal]

Notary Public for Oregon

My commission expires 5/30/73

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.

ON, }
ss.
ackson,

Betty Duty....., being first duly sworn, depose and say
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
AND PLACE OF USE
OF WATER

Notice is given hereby that
Kenneth H. and Laura Jones and
Phillip F. and Luella M. Bryant have
filed an application for the approval
of a change in point of diversion and
place of use of water from Ashland
Creek.

In the Rogue River Adjudication
proceedings, a water right was
established in the names of H. B. and
L. B. Sander for the use of the waters
of Ashland Creek for the irrigation
of, among other lands, 6.8 acres in
W 1/2 NW 1/4 NW 1/4, Sec. 4, and 0.2 acre
in NE 1/4 NE 1/4, Sec. 5, T. 39 S., R. 1
E., W.M., with a date of priority of
1864. These lands are irrigated by
means of the Smith Myer, Roper
Ditch from a point of diversion
located 850 ft. N and 300 ft. W from
the SW corner of DLC No. 41 being
within the NE 1/4 SW 1/4 of Sec. 4, T. 39
S., R. 1 E., W.M.

The applicants herein, owners of
the lands above described, propose
to change the place of use of 5.3
acres in W 1/2 NW 1/4 NW 1/4, Sec. 4, T.
39 S., R. 1 E., W.M. to 1.4 acres in
SE 1/4 SE 1/4, Sec. 32 and 3.9 acres in
SW 1/4 SW 1/4, Sec. 33, T. 38 S., R. 1 E.,
W.M. and irrigate these lands
together with 1.5 acres in W 1/2 NW 1/4
NW 1/4, Sec. 4 and 0.2 acre in NE 1/4
NE 1/4, Sec. 5, T. 39 S., R. 1 E., W.M.
from a point of diversion to be
located 110 ft. S and 465 ft. E from
the NW corner of Sec. 4 being within
the NW 1/4 NW 1/4 of Sec. 4, T. 39 S., R.
1 E., W.M.

All persons interested are notified
hereby that a hearing will be held at
the county courthouse at Medford,
Oregon, on August 10, 1971, 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
Kenneth H. and Laura Jones and
Phillip F. and Luella M. Bryant, 437
Morton St., Ashland, Oregon, and
one copy filed with the State
Engineer, Salem, Oregon, 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. If no
objections are filed, the application
may be approved by the State
Engineer without a hearing. Ad-
ministrative rules pertaining to the
filing of a protest will be furnished
by the State Engineer upon request.

Dated at Salem, Oregon, this 7th
day of June, 1971.
CHRIS L. WHEELER
State Engineer

was published in the regul
three successive
dated the 14th da
issue dated 28th c
That the price actual
That a reduction of \$
charitable purposes.

Subscribed and sworn

newspaper once a week for
commencing with the issue
, and ending with the
19 71

\$ 30.80
legal rate was made for

Betty Duty
Printer of Name of 19 71
Public for Oregon.
(10-5-74)

SON, }
 Jackson, } ss.

Betty Duty....., being first duly sworn, depose and say 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 1/4 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 preceding 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
 AND PLACE OF USE
 OF WATER

haste, legalize the use of

ks War,
 addition

warning devices
 damage to the navigational
 Coast Guard to repair the
 Indians would not permit the
 relook the island because the
 The U.S. government said it
 their place.
 near the island were taking
 foghorns mounted on buoys
 could be restored. However,

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 14th day of June, 1971, and ending with the
 issue dated 28th day of June, 1971.

That the price actually charged for this notice was \$ 30.80

That a reduction of \$ none from the legal rate was made for charitable purposes.

Subscribed and sworn to before me this 29th day of June, 1971

Betty Duty
 Eleanor Brown

Notary Public for Oregon.

(My commission expires 10-5-74)



**STATE
ENGINEER**

WATER RESOURCES DEPARTMENT

RECEIVED
APR 29 1971
STATE ENGINEER
SALEM OREGON

JACKSON COUNTY COURTHOUSE • MEDFORD, OREGON • 97501 • Ph. 773-6211

TOM McCALL
GOVERNOR

April 28, 1971

FILE NO. 2341

CHRIS L. WHEELER
State Engineer

Mr. Chris L. Wheeler
State Engineer
Salem, Oregon

Attention: Mr. Larry Jebousek, Assistant

Dear Mr. Jebousek:

With reference to your letter of February 13, 1970, concerning transfer application for a change in point of diversion and place of use of water from Ashland Creek in the name of Kenneth H. and Laura Jones and Phillip F. and Luella M. Bryant of 437 Morton Street, Ashland, Oregon 97520.

Please find enclosed the amended transfer application and map which have been amended to show that 5.3 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4 is being transferred to 1.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, and 3.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33. This acreage, together with the 1.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, and the 0.2 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, are involved in the change in point of diversion.

The 4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, and 6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, as evidenced by certificate 15900, have been changed by a correction of the decree. This is recorded in the State Engineer's records dated January 29, 1971, in Vol. 17, at Page 46. There are no lands involved in this transfer which have anything to do with certificate number 16001, as all of these lands lie west of the east line of DLC #38. Also all lands under certificate number 16033 lie to the east of the lands involved in this transfer.

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, District 13

DCH:pg
enclosures



**STATE
ENGINEER**

WATER RESOURCES DEPARTMENT

JACKSON COUNTY COURTHOUSE • MEDFORD, OREGON • 97501 • Ph. 773-6211

October 29, 1970

RECEIVED
OCT 30 1970
STATE ENGINEER
SALEM, OREGON

TOM McCALL
GOVERNOR

CHRIS L. WHEELER
State Engineer

Transfer
FILE NO. 2341

Mr. Chris L. Wheeler
State Engineer
Salem, Oregon

Attention: Mr. Larry Jebousek, Assistant

Dear Mr. Jebousek:

Please be advised that the application for transfer in the names of Jones and Bryant, which you referred to in your letter of October 9, 1970, is being pursued as fast as possible.

The property owners of the land in question on which the error in the Rogue River Decree is involved, now have an attorney working on the correction in the Decree. I will advise you as we proceed in the matter.

We have been unable to get a definite commitment from Mr. and Mrs. George Harshman concerning a proposed change in point of diversion of water from Neil Creek which I sent to you in May of 1970, however, we will either get them to proceed with some proper transfer or request that their application be withdrawn.

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, District 13

DCH:pg

2341

February 26, 1970

Mr. David C. Hendrix
Watermaster District #13
Jackson County Courthouse
Medford, Oregon 97501

Dear Mr. Hendrix:

This will acknowledge your letter of February 20, 1970, in regard to transfer No. 2341 and a copy of an aerial photograph showing the relative location of the water rights concerned.

I will withhold further action on transfer application No. 2341 until the legal owner of the property previously owned by Lamkin can petition the Jackson County Circuit Court for correction of the Rogue River Decree.

The correction of the decree properly locating certificate 15900 will alleviate only a part of the problem. As indicated in my letter of February 13, 1970, part of the land to which the irrigation use is to be transferred under application 2341 already has a right described by certificate 16031. The transfer application will have to be amended to eliminate the duplication of acreage or a portion of certificate 16031 which has not been irrigated will have to be canceled by affidavit of abandonment.

Very truly yours,

Larry Jebousek
Assistant

LWJ:slv 90



**STATE
ENGINEER**

WATER RESOURCES DEPARTMENT

JACKSON COUNTY COURTHOUSE • MEDFORD, OREGON • 97501 • Ph. 773-6211

RECEIVED
FEB 24 1970
STATE ENGINEER
SALEM, OREGON

TOM McCALL
GOVERNOR

CHRIS L. WHEELER
State Engineer

February 20, 1970

FILE NO. 2341

Mr. Chris L. Wheeler
State Engineer
Salem, Oregon

Attention: Mr. Larry Jebousek, Assistant

Dear Mr. Jebousek:

With reference to your letter of February 13, 1970, concerning a transfer application for a change in place of use and point of diversion of water from Ashland Creek in the name of Kenneth H. and Laura Jones and Phillip F. and Luella M. Bryant.

Please be advised that I am in agreement with your letter as well as the records are concerned, but would like to show you what the actual conditions are. I have colored in an aerial photo of the area in question as well as obtained a copy of the legal land description of the old C. B. Lamkin property under Certificate No. 15900. As you can see, the Rogue River Decree wrongly locates this property by approximately three-quarters mile. The land on which I attempted to transfer this water to has never been irrigated and has never been in the ownership of C. B. Lamkin. I will attempt to have the legal owner of the property, which Lamkin use to own, petition the Circuit Court for a correction of the Decree and then re-submit the Bryant-Jones transfer.

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, District 13

DCH:pg
enclosures

RE: 2341

February 13, 1970

David C. Hendrix
Watermaster, District #13
Jackson County Courthouse
Medford, Oregon 97501

Dear Mr. Hendrix:

This will acknowledge a transfer application for change in place of use and point of diversion of water from Ashland Creek in the name of Kenneth H. and Laura Jones and Phillip F. and Luella M. Bryant, a transparency map, legal description, and the fee of \$75.00 for which our receipts numbered 17706 and 17707 are enclosed. This application has been filed as transfer number 2341.

Certificate 16001 includes the irrigation of among other lands 9.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 39 South, Range 1 East. Certificate 16033 includes the irrigation of among other lands 10.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 39 South, Range 1 East and 3.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 38 South, Range 1 East. Certificate 16031 is for the irrigation of 30.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, 29.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 39 South, Range 1 East and 2.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 38 South, Range 1 East.

Both the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5 have 39.0 acres of irrigation. The map made in connection with the Rogue River Adjudication proceedings clearly locates the 1.0 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4 not being irrigated as being in the extreme Southwesterly corner and the 1.0 acre not being irrigated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, in the extreme Southeasterly portion of each forty.

Our records also show a right for the irrigation of 4.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32 and 6.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 38 South, Range 1 East from Bear Creek as evidenced by certificate 15900.

The land as shown on the map submitted where the 7.0 acres is

David C. Hendrix

-2-

February 13, 1970

to be transferred to already has a right for irrigation under certificates 15900 and 16031. If the lands to which the 7.0 acres is to be transferred has not been irrigated at least once every 5 successive years, that portion of certificates 15900 and 16031 should be canceled by affidavit of abandonment to clear our records so this transfer can be approved. If the lands have been irrigated at least once every 5 successive years, then two transfers for changes in points of diversion should be submitted.

I am returning transfer application number 2341 and the map for these corrections.

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:mfb

Enclosures

cc Kenneth H. & Laura Jones
Phillip F. & Luella M. Bryant
437 Morton Street
Ashland, Oregon 97520