

2338

STATUS OF APPLICATION

Change in Pt. of Div., Pt. of Use & Char. of Use
 Date filed January 26, 1970
 Date of hearing April 8, 1970
 Place of hearing Medford, Oregon
 Date of order 9-30-70 Vol. 20, page 90
 Date for application of water 10-1-71
 Proof mailed _____
 Proof received _____
 Certificate issued Mar 29, 1971 Vol. 29, page 39242
8-31-73 31
Field Form to Summary 2/3/71

DESCRIPTION OF WATER RIGHT

Name of stream Ashland Creek
 Trib. of — County of Jackson
 Use Irrigation
 Quantity of water 0.042 cfs No. of acres 39
 Name of ditch Smith-Myer-Roper
 Date of priority 1864
 In name of H.B. & L.B. Sauder
Roque River Adjudication, Vol. 4, page 12 col. 3
 App. No. _____ Per. No. _____ Cert. No. 16031
 Certificate cancelled _____
 Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
1-26-70	35.00	17612
1-26-70 P.O.N.	30.00	17613
TOTAL . . .		
3-3-70	*2 Cert. Fee	From Pub. of Nat.
5-2-73	.50	33591

FEES REFUNDED

Date	Amount	Check No.
3-3-70	*2.33 Pub. of Nat.	3529

REMARKS

1-2341-2595-2624

INDEX CARDS:		Entered	Checked
✓	Name	slu	—
✓	Stream	slu	—
✓	Pt. of Div.	slu	—
✓	Calendar	slu	—
CHECKED TO RECORDS:			
✓	Twp. & Rge.	slu	—
✓	Decree-vault	slu	—
✓	Decree-safe	slu	—
✓	Cert. of W/R	slu	—
—	Per. Folder	—	—
—	Chainindex	—	—
—	Cross Ref.	—	—
—	Power Claim	—	—
—	Abstracts	—	—

100

N 89° 36' W

18 545 ED

RECEIVED

JAN 14 1970

STATE ENGINEER
SALEM OREGONQUIET VILLAGE SUBDIVISION
IN CITY OF ASHLAND, JACKSON CO., OREGON**RECEIVED**

JAN 26 1970

STATE ENGINEER
SALEM OREGON

SOURCE OF PRESENT WATER RIGHT

T 38S R 1E

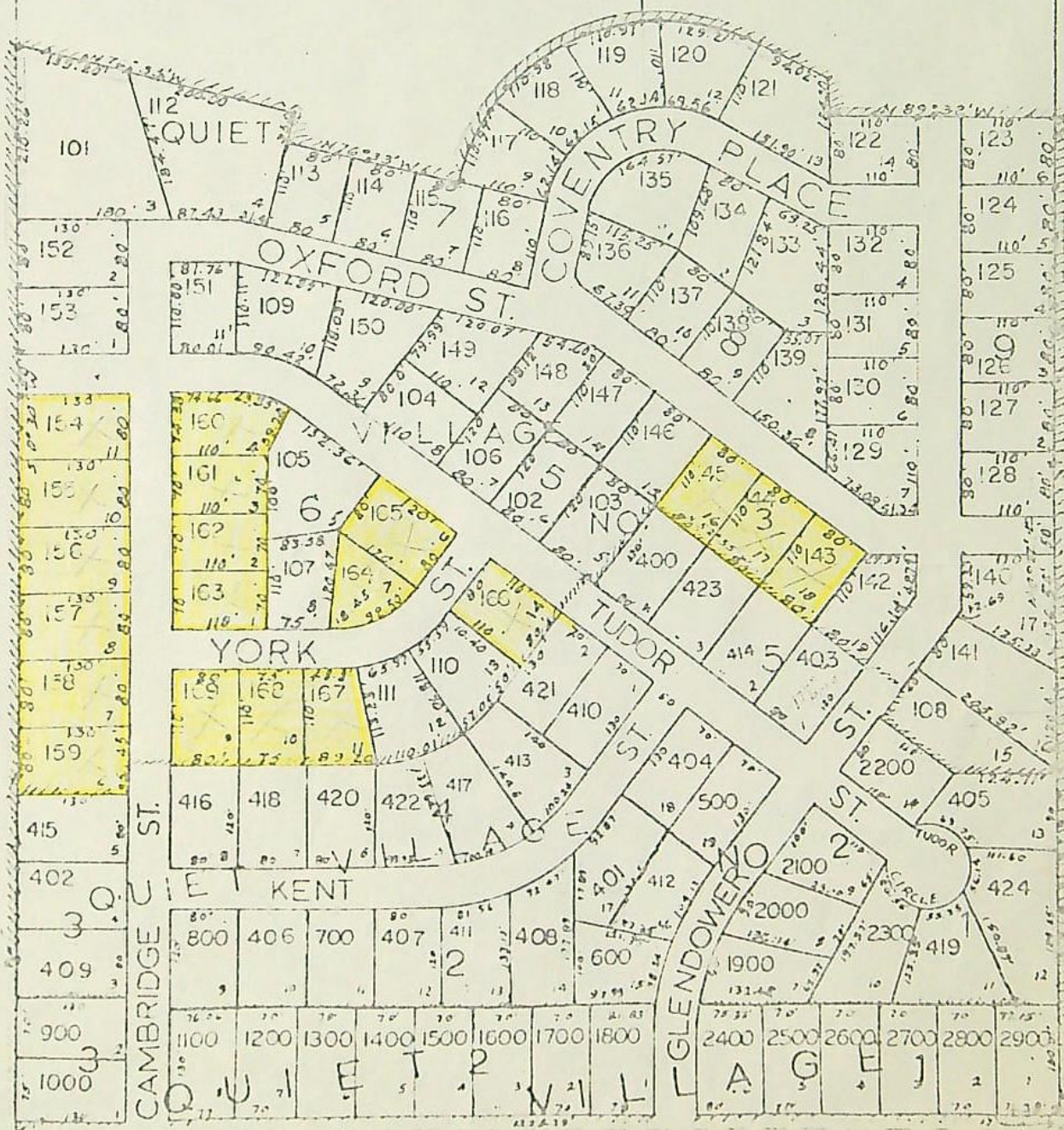
32 33

T 39S R 1E

54 4

N.E. COV
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300

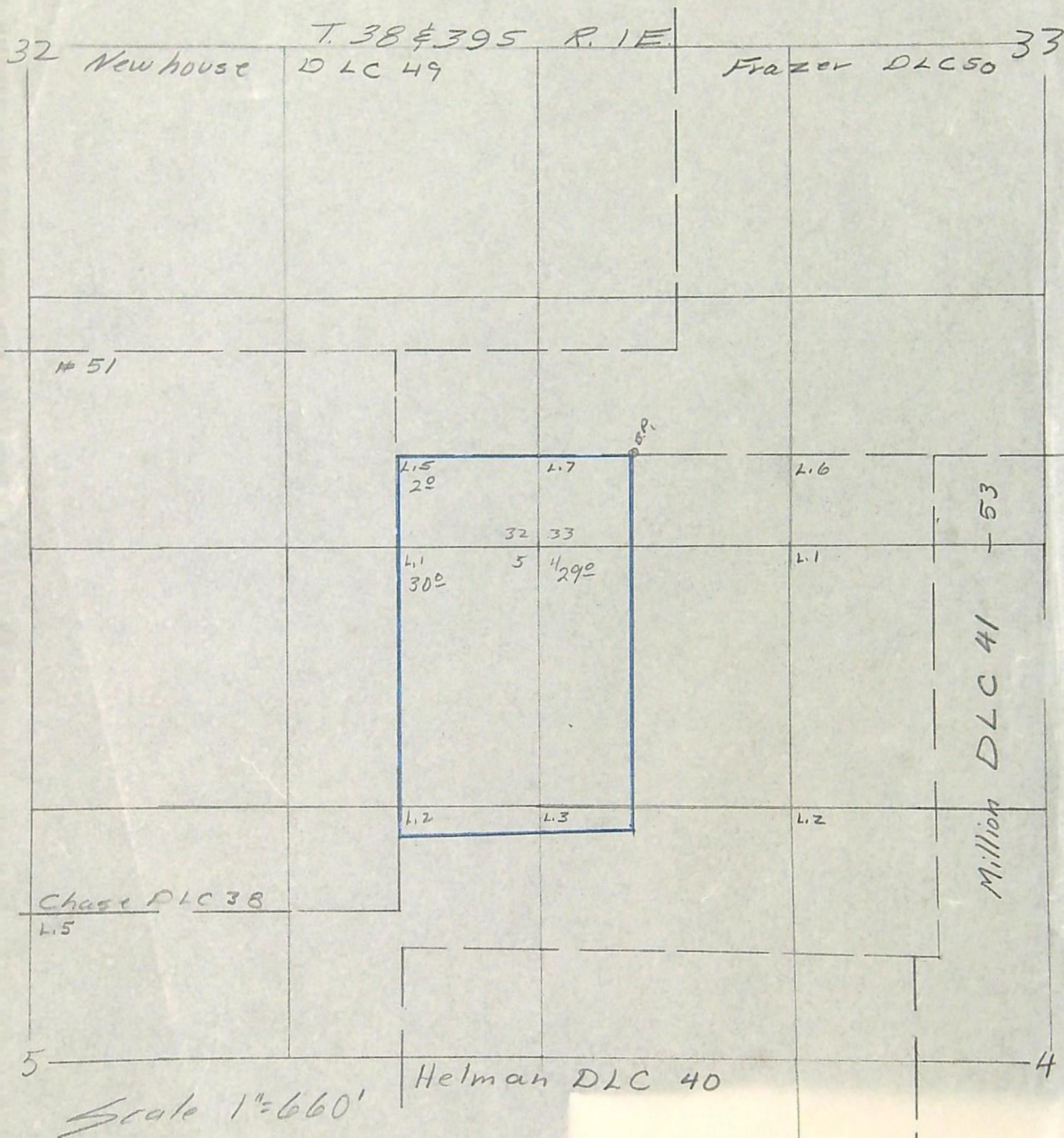


39 1E 4E

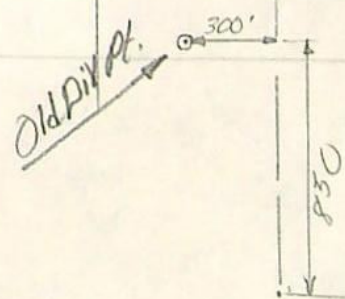
5-1

NEVADA

ST



Prop of Leo B. Sanders by 1916 L D
(Includes All of Quiet Village subdivisions)



RECEIVED
JAN 14 1970
STATE ENGINEER
SALEM, OREGON

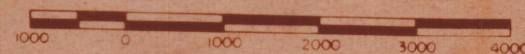
RECEIVED
JAN 26 1970
STATE ENGINEER
SALEM, OREGON



ASHLAND AND VICINITY

JACKSON COUNTY, OREGON

T395. - RIE. - W.M.



SCALE IN FEET
DRAFTSMAN J D HERBISON

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 57.1 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 0.721 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:28.4 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 426.7 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.Diversion 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 16031, Volume 13, State Record of Water Right Certificates, confirms the
right to the use of water for irrigation of 61.0 acres. Subsequently, the point
of diversion, place of use and character of use for the irrigation of 3.9 acres
was changed by order of the State Engineer entered September 30, 1970. This
certificate is issued to confirm the remaining right to the use of water for
irrigation and supersedes the certificate heretofore issued to H. B. Sander and
L. B. Sander.Vol 20, Page 90
T-2338And 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 March 29, 1971.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37480

Superceded by
 Cert. No. 37480
 Trs. Sp. Or. V. 20,90
 Trst. No. 2338

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. B. Sander & L. B. Sander

of Ashland, State of Oregon, has a right to the use of
 the waters of Ashland Creek, a tributary of Bear Creek
 for the purpose of irrigation of 61 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 0.77 cubic foot per
 second.

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:

29 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 4,
 30 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 5,
 T. 39 S., R. 1 E., W. M.

2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 32,
 T. 38 S., R. 1 E., W. M.

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

Recorded in State Record of Water Right Certificates, Volume 13, page 16031

BEFORE THE OFFICE OF THE STATE ENGINEER
FOR THE STATE OF OREGON

IN THE MATTER OF THE APPLICATION)
FOR CHANGE IN USE, PLACE OF USE,)
AND POINT OF DIVERSION OF WATER)
_____)

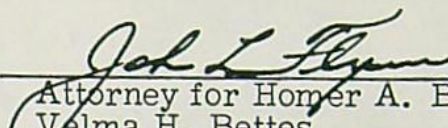
Comes now HOMER A. BETTES and VELMA H. BETTES, husband and wife,
by and through their attorney, John L. Flynn, owners of the following described
real property:

Commencing at the intersection of the original Northerly
line of Orange Avenue with the Westerly line of Helman
Street in the City of Ashland, Jackson County, Oregon,
said point being North 25° 30' East, 80.0 feet from a
point which is 1044.18 feet North, and 376.8 feet West of
the Northwest corner of Donation Land Claim No. 42 in
Township 39 South, Range 1 East of the Willamette
Meridian in Jackson County, Oregon; thence North 83° 45'
West, along the Northerly line of said Orange Avenue, a
distance 154.47 feet to the true point of beginning; thence
parallel with Helman Street, North 25° 30' East, 282.0
feet; thence North 20° 11' West, 409.7 feet; thence North
256.5 feet to a point on the Northerly line of tract de-
scribed in Volume 377, Page 67 of the Deed Records of
Jackson County, Oregon; thence along said line, South
73° 36' West, 45.5 feet; thence North 89° 37' West, 159.31
feet to the Northeast corner of tract described in Volume
73, Page 513, said Deed Records; thence along the East
line of said tract, South 0° 30' East, 777.20 feet, more or
less, to the original Northerly line of Orange Avenue;
thence along said street line, South 63° 45' East, 241.0
feet to the true point of beginning.

Also, that portion of a strip of land 20.0 feet in width
adjoining and abutting along the Southerly line of the above
described tract, being a portion of Orange Avenue vacated
by Ordinance No. 947 of the City of Ashland, Oregon.

and, in accordance with the provisions of ORS ^{540.530} ~~540.530~~ object to the proposed di-
version of water from Ashland Creek through the Smith-Myer-Roper Ditch at a
point of diversion located 850 feet North and 300 feet West of the Southwest
corner of Donation Land Claim No. 41 in the NE 1/4 of the SW 1/4 of Section 4,
Township 39 South, Range 1 East of the Willamette Meridian to a point of diversion

1 to be located 100 feet North and 10 feet West from the Southeast corner of Section
2 20, being within the SE 1/4 SE 1/4 of Section 20 Township 39 South, Range 1 East
3 of the Willamette Meridian.
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Attorney for Homer A. Bettes and
Velma H. Bettes

JOHN L. FLYNN
ATTORNEY AT LAW
184 EAST MAIN STREET
ASHLAND, OREGON 97520
TELEPHONE 482-4181

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF COMMONWEALTH PROPERTIES, INC.,)
LaDARR CONSTRUCTION COMPANY, AND)
CITY OF ASHLAND FOR THE APPROVAL)
OF A CHANGE IN USE, PLACE OF USE,)
AND POINT OF DIVERSION OF WATER)
FROM ASHLAND CREEK)

ORDER APPROVING
TRANSFER NO. 2338

On January 26, 1970, Commonwealth Properties, Inc., LaDarr Construction Company, and City of Ashland filed an application in the office of the State Engineer for the approval of a change in use, place of use, and point of diversion 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, 0.6 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, and 3.3 acres 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 16031, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Smith-Meyer-Roper Ditch from a point of diversion located 850 feet north and 300 feet west from the SW corner of DLC 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 use from the irrigation of the above described lands to municipal purposes in the City of Ashland within Sections 4, 5, 8, 9, 10, 15, 16, and 17, Township 39 South, Range 1 East, W.M. and

to change the point of diversion to a point to be located 100 feet north and 10 feet west from the SE corner of Section 20 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, 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 use, place of use, and point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on April 8, 1970, at 9:30 a.m. The notice was published in the Ashland Daily Tidings, a newspaper published and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of February 11, 18, and 25, 1970. 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 use, 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 use, 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 use and place of use is approved and the water right hereinbefore described as appurtenant to the irrigation of 0.6 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, and 3.3 acres 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, be severed therefrom and simultaneously and without loss of priority transferred to municipal purposes in the City of Ashland within Sections 4, 5, 8, 9, 10, 15, 16, and 17, Township 39 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 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 100 feet north and 10 feet west from the SE corner of Section 20 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 39 South, Range 1 East, W.M.

for municipal purposes in the City of Ashland within Sections 4, 5, 8, 9, 10, 15, 16, and 17, Township 39 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, 1971.

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 0.042 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 certificate of water right heretofore issued to H. B. and L. B. Sander and recorded at page 16031, Volume 13, 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 use, place of use, and point of diversion, a certificate of water right shall be issued to the City of Ashland confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 30th day of September, 1970.

/s/ CHRIS L. WHEELER
State Engineer

100% COTTON LINTS
QUICKER
OLD COTTON LINTS



RECEIVED JAN 14 1970
STATE ENGINEER
 SALEM, OREGON

RECEIVED JAN 26 1970
STATE ENGINEER
 SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Commonwealth Properties, Inc. and (421 SW Sixth Street)
LaDarr Construction Co. (Portland, Oregon 97204)
 (Name of applicant)

City of Ashland
 of City Hall, Ashland County of Jackson
 (Postoffice)

State of Oregon, do hereby make application for change in point of di-
 version, place of use and kind of use.
 (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 D.L.C. No. 41 being within the NE 1/4 of SW 1/4
 (Section or subdivision)

of Section 4 Tp. 39S R. 1E W. M., in the County of Jackson
 (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
39S	1E	5	3.3															
39S	1E	4						0.6										

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
 (Yes or No)
 of permit

10. Do you hold a water right certificate? Yes ^{y.13} 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
(Yes or No)

12. Is the water right recorded in your name? No. - H.B. & L.B. Saander
(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 $\frac{1}{4}$
			<u>Municipal use within the City of Ashland</u>															

(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 100 ft. N and 10 ft. W from the SE
SE $\frac{1}{4}$ - SE $\frac{1}{4}$ - SE $\frac{1}{4}$ (N. or S.) (E. or W.)
corner of Sec. 20 being within the of Section 20 Tp. 39S R. 1E 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 Ashland Pipeline

15. Are you the owner of the land on which the proposed point of diversion is to be located? No

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.
City of Ashland - City Hall- Ashland, Oregon 97520
c/o Allen A. Alsing - Director of Public Works

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 Change in point of diversion must be
changed so that water can be used in the City of Ashland water mains.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Multnomah

SS.

I, Edward B Lilly, 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 26th day of December, 1969.
COMMONWEALTH PROPERTIES, INC.

Edward B Lilly
(Name of applicant) Vice President

Subscribed and sworn to before me this 26th day of December, 1969.

[Notarial Seal]

Elizabeth B. Hudson
NOTARY PUBLIC FOR OREGON

My commission expires September 28, 1971.

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 APPLICANT

STATE OF OREGON,

County of

JACKSON

SS.

LARRY A. HERZMAN

I, ~~Samuel J. Kelly~~

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 9th day of JANUARY, 19 70

LADAR CONSTRUCTION Co.

Larry A. Herzman

(Name of applicant)

PARTNER

Subscribed and sworn to before me this 9th day of JANUARY, 19 70

[Notarial Seal]

John F. Nelson

NOTARY PUBLIC FOR OREGON

My commission expires

7-31-71

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.

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18 545 50

RECEIVED

JAN 14 1970

STATE ENGINEER
SALEM OREGON

**QUIET VILLAGE SUBDIVISION
IN CITY OF ASHLAND, JACKSON CO., OREGON**

SOURCE OF PRESENT WATER RIGHT

T 38 S R 1 E

32 33

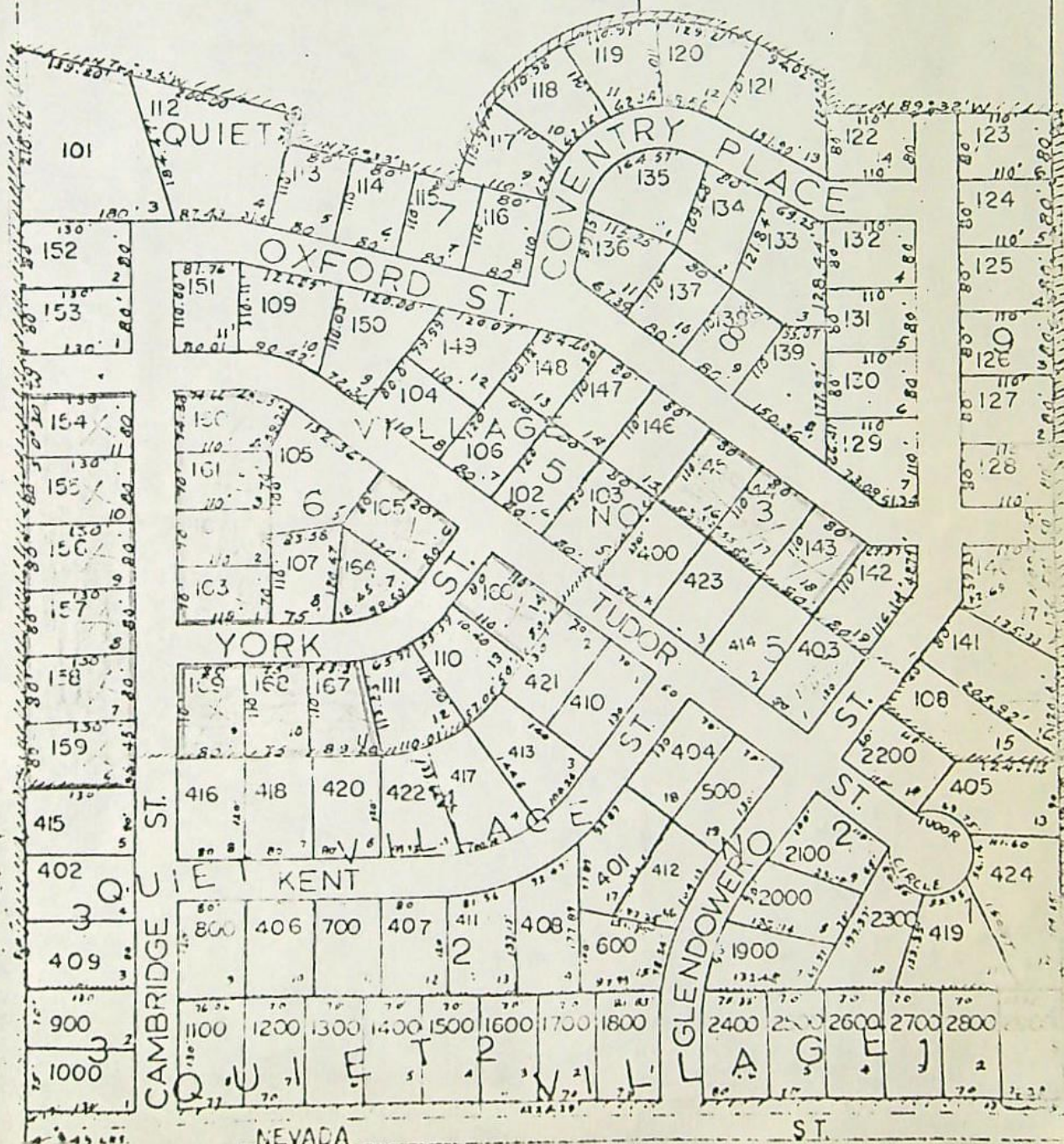
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NEVADA

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RECEIVED
OCT 7 1970
STATE ENGINEER
SALEM OREGON

Transfer No. 2338

NOTICE OF COMPLETION OF CONSTRUCTION

I, Allen A. Alsing, 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 State Engineer dated September 30, 1970, approving an appli-
cation for a change in point of diversion of water from _____
Ashland Creek.

5 October 1970
Date

Allen A. Alsing
Name
Director of Public Works

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

RECEIVED
OCT 7 1970
STATE ENGINEER
SALEM OREGON

Transfer No. 2338

I, Allen A. Alsing hereby certify that
on October 5,, 1970, the water has been applied to the lands to
which the water right was transferred by an order of the State Engineer
dates September 30, 1970, approving an application for a change in place
of use of water from Ashland Creek.

5 October 1970

Date

Allen A. Alsing

Signature

Director of Public Works

OREGON,

ss.

of Jackson,

I, Claudia M. Horton, 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 $\frac{3}{4}$ 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;

brushing the hair out of his face and smiling," the officer said.

Leary, former Harvard instructor turned advocate of LSD guru, is being tried on marijuana possession charges and his wife and son on charges of possession of marijuana and LSD.

Notice is given hereby that Commonwealth Properties, Inc., and LaDarr Construction Company have filed an application for the approval of a change in use, place of use, and point of diversion 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. Saunderson for the use of the waters of Ashland Creek for the irrigation of, among other lands, 0.6 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, and 3.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 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-Meyer-Roper Ditch from a point of diversion located 850 ft. N and 300 ft.

NOTICE OF FILING APPLICATION
FOR CHANGE IN USE,
PLACE OF USE,
AND POINT OF

DIVERSION OF WATER

Notice is given hereby that Commonwealth Properties, Inc., and LaDarr Construction Company have filed an application for the approval of a change in use, place of use, and point of diversion of water from Ashland Creek.

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 17th day of February 1970, and ending with the issue dated the 25th day of February 1970.

That the price actually charged for this notice was \$ 25.67.

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

Subscribed and sworn to before me this 25 day of February, 1970.

Claudia M. Horton
Dorothy M. James

Notary Public for Oregon.

(My commission expires SEPT. 2, 1972.)

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

Notice is given hereby that Commonwealth Properties, Inc. and LaDarr Construction Company have filed an application for the approval of a change in use, place of use, and point of diversion 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. Saunder for the use of the waters of Ashland Creek for the irrigation of, among other lands, 0.6 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, and 3.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 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 $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 4, T. 39 S., R. 1 E., W.M.

The applicants herein, owners of the lands above described, propose to change the use from the irrigation of the above described lands to municipal purposes in the City of Ashland within Secs. 4, 5, 8, 9, 10, 15, 16, and 17, T. 39 S., R. 1 E., W.M. and to change the point of diversion to a point to be located 100 ft. N and 10 ft. W from the SE corner of Sec. 20 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 20, 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 April 8, 1970, at 9:30 a.m. All objections to the proposed changes, if any there are, will be heard at said time and place. Any objections shall be prepared in writing, one copy to be served on City of Ashland, City Hall, 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.

Dated at Salem, Oregon, this 5th day of February, 1970.

LEO B. SANDER

Description as copied from Deed recorded in Jackson County Deed Records in Vol. 109, Page 469, recorded in the year 1916.

Beginning 23.94½ chains West of the NW corner of DLC #53 in Township 38 South, Range 1 East, W.M., Oregon, which said beginning point is also the NW corner of the lands of Henry B. Sander; thence N. 89° 36' W. 18.54½ chains to the East boundary line of DLC #51 in said Township and Range; thence South 00° 30' West 30.60 chains to the street; thence East 18.56½ chains to the SW corner of said H. B. Sander land; thence N. 00° 17' East along said West line of H. B. Sander land 30.40 chains to point of beginning, containing 56.25 acres more or less; said premises being the W½ of the property described at Vol. 90, Pages 313 - 314, Deed Records of Jackson County, Oregon.

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STATE ENGINEER
SALEM, OREGON

Transfer No. 2338 County Jackson
(Commonwealth Properties, Inc. & LaDarr Construction Co.)
1. Name City of Ashland Address City Hall, Ashland, Ore.

3. Amount of Water 0.042 cfs Priority Date 1864

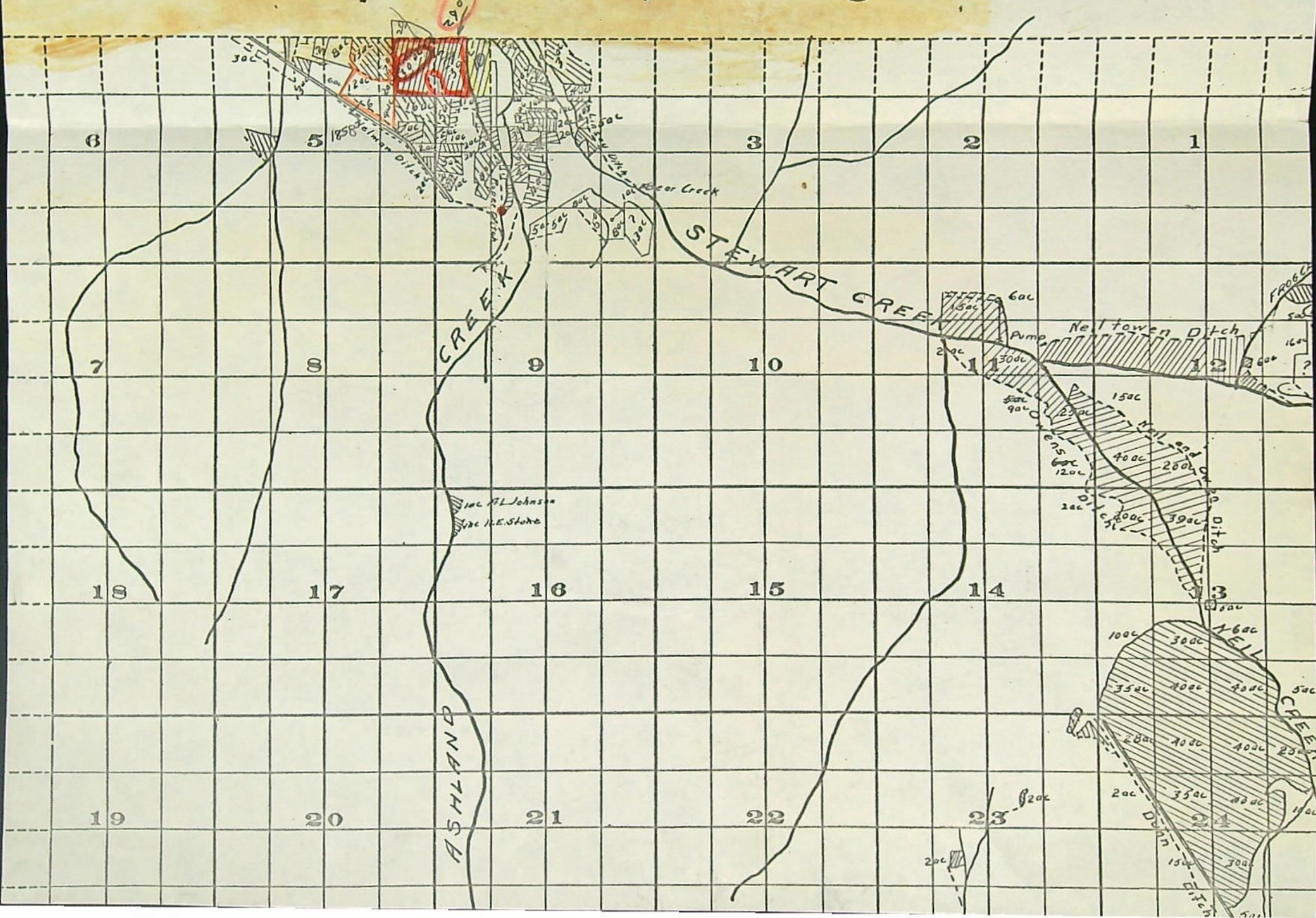
5. Proposed Point of Diversion 100 ft. N & 10 ft. W from the SE corner of Sec. 20

R. 1 E., W.M.

[illegible]

Inspected 1-31-73
DEZ

Range 1 E.



Joins Photo 25A-26

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