

2390 R.W. & Mary E. Voris  
 Hazelle W. Christlieb  
 City of Ashland

2390

**STATUS OF APPLICATION**

Change in Point of Diversion, Place of Use & Use  
 Date filed May 28, 1970  
 Date of hearing August 19, 1970  
 Place of hearing Mrs. Salford Ave  
 Date of order 1-4-71 Vol. 20, page 324  
 Date for application of water 10-1-71  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued 5-8-73 Vol. 31, page 39243  
 To Summary 6/8/71

**DESCRIPTION OF WATER RIGHT**

Name of stream Ashland Creek  
 Trib. of - County of JACKSON  
 Use Irrigation  
 Quantity of water 0.16 cfs No. of acres 13.5  
 Name of ditch Smith-Meyer-Roper  
 Date of priority 1864  
 In name of Robert Casey  
Roque River Adjudication, Vol. 4, page 11 col. 3  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 16003  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by slu

**FEES PAID**

Date	Amount	Receipt No.
5/28/70	35.00	18862
5/28/70	300.00 <sup>RD1</sup>	18863
TOTAL . . .		
7-9-70	\$1 Cert. Fee	From Pub. of Nat.
5-2-73	.50	33589

**FEES REFUNDED**

Date	Amount	Check No.
7-9-70	4.19 Pub. of Nat.	3755

**REMARKS**

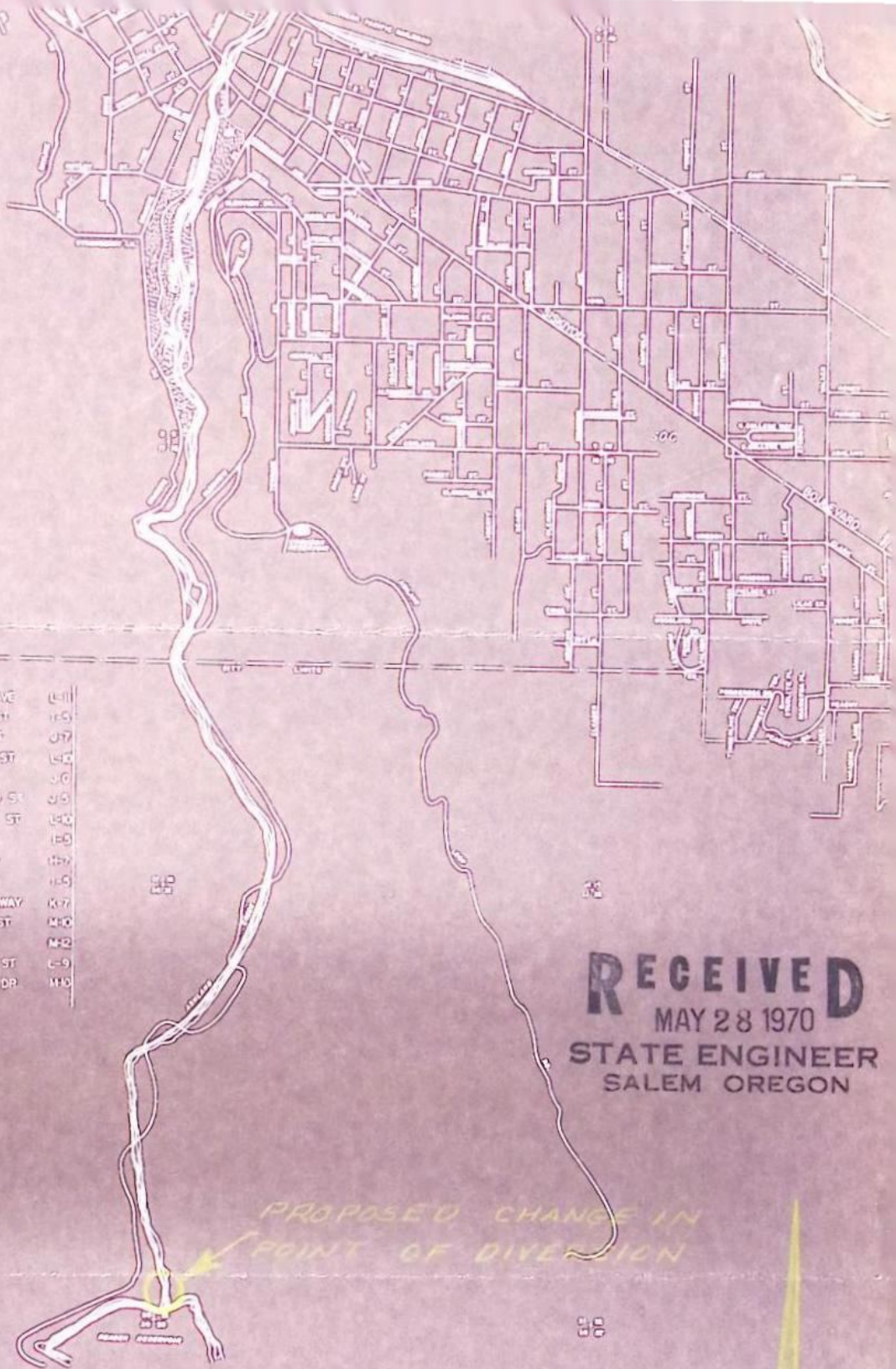
See Transfer 2338 for add. info this area

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"/>	Chaindex	_____	_____	
<input type="checkbox"/>	Cross Ref.	_____	_____	
<input type="checkbox"/>	Power Claim	_____	_____	
<input type="checkbox"/>	Abstracts	_____	_____	



**STREETS**

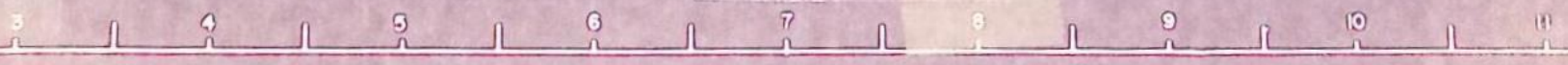
ADDISON ST	K-7	MADRID ST	M-9	POWER ST	L-7
ANDERSON CIRCLE	M-11	MAY ST	M-2	PLAZA AVE	M-2
ANDERSON LANE	M-11	MAYFIELD ST	J-6	PLEASANT WAY	M-10
ANDERSON ST	L-5	MAYES ST	H-6	PRIGHT ST	L-10
ANTHONY ST	L-8	MAUI WAY	H-6	PRIN ST	M-5
APPLE ST	J-7	MARY JANE LN	M-2	PROSPECT ST	M-9
ARMY ST	L-9	MEADE ST	L-7		
ARMOUR ST	L-5	MELODY LANE	Q-1	QUINCY	K-10
ARTERY ST	J-7	MERRILL ST	L-8		
ASHLAND PLACE	M-11	METCALFE RD	L-10	RAY LANE	M-11
AUSTIN ST	J-6	MONROE ST	M-9	RIDGE ROAD	L-7
AVENUE ST	L-7	MORSE AVE	L-8	ROSA ST	M-10
BAKER ST	M-11	MORRIS ST	L-8	ROCK ST	H-6
BAILEY ST	L-7	MORRIS ST	M-2	ROSS LANE	M-11
BANKS AVE	L-11	MOUNTAIN AVE	M-9	RUBY ST	M-7
BANK ST	M-11	MICHELLE AVE	H-7		
		MORADA LANE	O-2	STAR-10 PL	M-2
		MORADA ST	H-8	SANDY DRIVE	M-2
		NEENA ST	M-2	SHARFIELD ST	M-2
		NOBBLE ST	M-2	SHERMAN ST	M-2
BLAND ST	L-8	NORMAL AVE	M-11	SHERRILL ST	M-2
BONANA ST	M-9	NORTHMAN ST	H-6	SISKIYOU LN	L-5
BOY AVE	L-9	NORTH PLANTER AVE	K-7	SIXMORF ST	J-6
		NURSERY ST	H-6	SHERWOOD AVE	M-11
		NUTLEY ST	K-6	SHORT DRIVE	M-10
				SKYLINE DRIVE	K-6
				STADIUM ST	L-10
JACQUELINE ST	M-11	OAK ST	J-8	STRAWBERRY LN	K-6
JENNIFER ST	L-7	OAK LAWN AVE	I-8	SUMMIT ST	K-7
JOY AVENUE	M-11	OHIO ST	I-7	SUNRISE ST	M-10
		ORANGE ST	I-7	SUNSET AVE	M-11
		OREGON ST	M-10	SYLVIA ST	I-8
KEARNEY ST	L-8	OTIS ST	I-7		
KENT ST	H-7	ORCHARD ST	J-5		
				TAMARACK PL	O-2
LAUREL ST	J-6	PALM AVE	M-9	TAYLOR ST	L-8
LEE ST	L-10	PALMER RD	M-9	TERRA AVE	M-2
LEONARD ST	M-10	PARADISE LN	O-11	TERRACE ST	M-7
LIBERTY ST	M-9	PARK ST	M-2	TIMBERLINE TER	M-10
LINCOLN ST	L-9	PARKER ST	M-11	TUDOR ST	H-7
LINDA AVE	M-12	PATTERSON ST	J-8	THORNTON WAY	I-5
LIT WAY	M-11	PEACHY ROAD	M-10		
LITHIA WAY	K-8	PEARL ST	L-8	UNION ST	K-8
LONG WAY	M-8	PENNSYLVANIA AVE	L-9		
LUNA VISTA ST	I-5	PHILIPS ST	J-7		
Lynn Street	J-8	PINE ST	K-6	VAN NESS AVE	J-7
SLAD CIRCLE	M-11	PINECREST TER	M-10	VERDA ST	M-2
		PONDEROSA DR	M-10	VISTA ST	K-7
		PENNY DRIVE	M-10	VORIS AVE	H-7



**RECEIVED**  
 MAY 28 1970  
 STATE ENGINEER  
 SALEM OREGON

PROPOSED CHANGE IN  
 POINT OF DIVERSION

**ASHLAND AND VICINITY**



Township 395. 033, <sup>7E</sup> Rang



# 51

069

L.15  
20

L.17

L.16

32

33

L.11  
300

5  
1290

L.1

Million DLC 41  
53

L.12

L.13

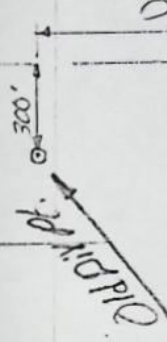
L.12

Chart DLC 38  
L.15

Helman DLC 40

Scale 1"=660'

Prop of Leo B. Sanders by 1914 L.D.  
(Includes ALL of Quiet Village subdivisions)





**RECEIVED**  
MAY 28 1970  
STATE ENGINEER  
SALEM OREGON

1012.50

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, R. W. and Mary Elizabeth Voris & Hazelle W. Christlieb  
c/o City of Ashland, City Hall, Ashland, Oregon 97520

of Ashland, Oregon 97520, County of Jackson  
(Postoffice)

State of Oregon, do hereby make application for change in point of

diversion, 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 - Meyer - Roper Ditch

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

corner of D. L. C. No. 41 being within the NE 1/2 of SW 1/2  
(Section or subdivision)

of Section 4 Tp. 39 S R. 1 E W. M., in the County of Jackson  
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 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	R1E	4							6.0									
39 S	R1E	5				7.5												

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

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes  
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? 1864 Tract 11

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

V. 27  
35084  
10003 ✓

10. Do you hold a water right certificate? Yes If so, give number of certificate 10003  
(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. 4-26-19  
(Yes or No)

12. Is the water right recorded in your name? No - Robert Casey  
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 100 ft. N and 10 ft. W from the SE corner of Sec. 20 being within the SE $\frac{1}{4}$ -SE $\frac{1}{4}$ -SE $\frac{1}{4}$  of Section 20 Tp. 39 S R. 1 E W. M., in the county of Jackson The name of the ditch to be used is Ashland Pipe Line  
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)

15. Are you the owner of the land on which the proposed point of diversion is to be located? .....

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 Jackson } ss.

I, R. W. and Mary Elizabeth Voris / and Hazelle W. Christlieb, 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 5th day of May, 1970

[Signature of R. W. Voris]

[Signature of Mary Elizabeth Voris]

[Signature of Hazelle W. Christlieb] (Name of applicant)

Subscribed and sworn to before me this 5th day of May, 1970

[Notarial Seal]

[Signature of Notary Public] NOTARY PUBLIC FOR OREGON

My commission expires November 4, 1973

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.

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF R. W. AND MARY E. VORIS AND )  
HAZELLE W. CHRISTLIEB FOR THE AP- )  
PROVAL OF A CHANGE IN USE, PLACE )  
OF USE, AND POINT OF DIVERSION OF )  
WATER FROM ASHLAND CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2390

On May 28, 1970, R. W. and Mary E. Voris and Hazelle W. Christlieb 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 name of Robert Casey for the use of the waters of Ashland Creek for the irrigation of 6.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, and 7.5 acres in SE $\frac{1}{4}$  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 35084, Volume 27, 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 August 19, 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 June 22, 29, and July 6, 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 6.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, and 7.5 acres in SE $\frac{1}{4}$  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 0.16 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 Robert Casey and recorded at page 35084, Volume 27, State Record of Water Right Certificates, is canceled 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 4th day of January, 1971.

/s/ CHRIS L. WHEELER  
State Engineer

RECEIVED

JUN 8 1971

STATE ENGINEER  
SALEM, OREGON

Transfer No. 2390

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 January 4, 1971, approving an appli-  
cation for a change in point of diversion of water from \_\_\_\_\_  
Ashland Creek.

7 June 1971  
Date

City of Ashland, Oreg.  
Allen A. Alsing  
Name  
Dir Pub Works

**RECEIVED**  
JUN 8 1971  
STATE ENGINEER  
SALEM, OREGON

NOTICE OF COMPLETE APPLICATION  
OF WATER TO BENEFICIAL USE

Transfer No. 2390

I, Allen A Alsing hereby certify that  
on 7 June, 1971, the water has been applied to the lands to  
which the water right was transferred by an order of the State Engineer  
dates January 4, 1971, approving an application for a change in place  
of use of water from Ashland Creek.

7 June 1971  
Date

City of Ashland Oreg.  
Allen A. Alsing  
Signature  
Dir Pref Wks

## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** ROBERT CASEY

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 13.5 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 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 0.16 cubic foot per  
second

The point of diversion is located in the

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

Beginning 16.5 feet East and 162 feet North of NW Corner, DLC 40, T. 39 S., R.  
1 E., W. M., thence East 537.6 feet; South 162 feet; East 705.18 feet; North  
613.8 feet; West 1242.78 feet; South 451.8 feet to beginning, being a part of  
fractional Section 5, and fractional NW $\frac{1}{4}$  of Section 4, said Township and Range,  
Jackson County, Oregon.

Certificate of water right issued to Robert Casey and recorded at page 16003,  
Volume 13, State Record of Water Right Certificates, confirms a right to the use  
of water for irrigation of 17.5 acres. Subsequently, the place of use, point  
of diversion and type of use for the irrigation of 4.0 acres was transferred  
by order of the State Engineer entered March 8, 1967. This certificate is  
issued to confirm the remaining right to the use of water for irrigation and  
supersedes the certificate heretofore issued to Robert Casey.

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 July 25 , 1968 .

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 27 , page 35084



CANCELED

Superseded by  
Ord. No. 35084

Trs. Sp. Or. V. 15 p. 457 A-39

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Robert Casey

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 13.5 acres in Tract No. 1, and irrigation of 4 acres and  
Stock in Tract No. 2  
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 for Tract No. 1, and 1858 for Tract No. 2;

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 0.16 cubic foot per  
second for Tract No. 1, and 0.08 cubic foot per second for Tract No. 2.

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:

Tract No. 1 - Beginning 16.5 ft. E. and 162 ft. N. of NW cor. D. L. C. 40, T. 39 S.,  
R. 1 E., W. M., thence E. 537.6 ft.; S. 162 ft.; E. 705.18 ft.; N. 613.8 ft.; W.  
1242.78 ft.; S. 451.8 ft. to beg., being a part of fractional Sec. 5, and fractional  
NW 1/4 of Section 4, said Township and Range, Jackson County, Oregon.

Tract No. 2 - 4 acres in fractional NE 1/4 of Section 5, T. 39 S., R. 1 E., W. M., being  
part of the Frank Smith or B. F. Meyer place, all in Jackson County, Oregon.

chg. use, pt. of use, & pt. of div - Sp. Or. V. 15 p. 457 (A-39)

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