

2470 Ditch Creek Ranch,  
Rt. 1, Box 178  
Rogue River, Ore 97537

2470

STATUS OF APPLICATION

Change in Place of Use  
Date filed January 12, 1971  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 3-29-71 Vol. 20, page 498  
Date for application of water 10-1-71  
Proof mailed APR 19 1977  
Proof received \_\_\_\_\_  
Certificate issued MAY 24 1977 Vol. 36, page 44380

DESCRIPTION OF WATER RIGHT

Name of stream Ditch Creek  
Trib. of - County of Jackson  
Use Irrigation  
Quantity of water - No. of acres 18<sup>0</sup>  
Name of ditch Williams  
Date of priority March 30, 1948  
In name of Sylvester C. Hitson  
Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 23102 Per. No. 18173 Cert. No. 19722  
Certificate cancelled \_\_\_\_\_  
Notation made on record by slw

FEES PAID

Date	Amount	Receipt No.
<u>1-12-71</u>	<u>20.00</u>	<u>22286</u>
TOTAL . . .	<u>\$2 Cert. Fee</u>	<u>60129</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

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

T-2412 T-2471

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That DITCH CREEK RANCH

of Rt. 1, Box 178, Rogue River, State of Oregon, 97537, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Ditch Creek

a tributary of Pleasant Creek for the purpose of the irrigation of 18.0 acres

under Permit No. 18173 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 30, 1948 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.23 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, T. 34 S., R. 4 W., W. M., 125 feet North and 140 feet West from the NE $\frac{1}{4}$  Corner, Section 32

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season from April 2, to October 31, of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

15.4 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 28

2.6 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 33  
T. 34 S., R. 4 W., W. M.

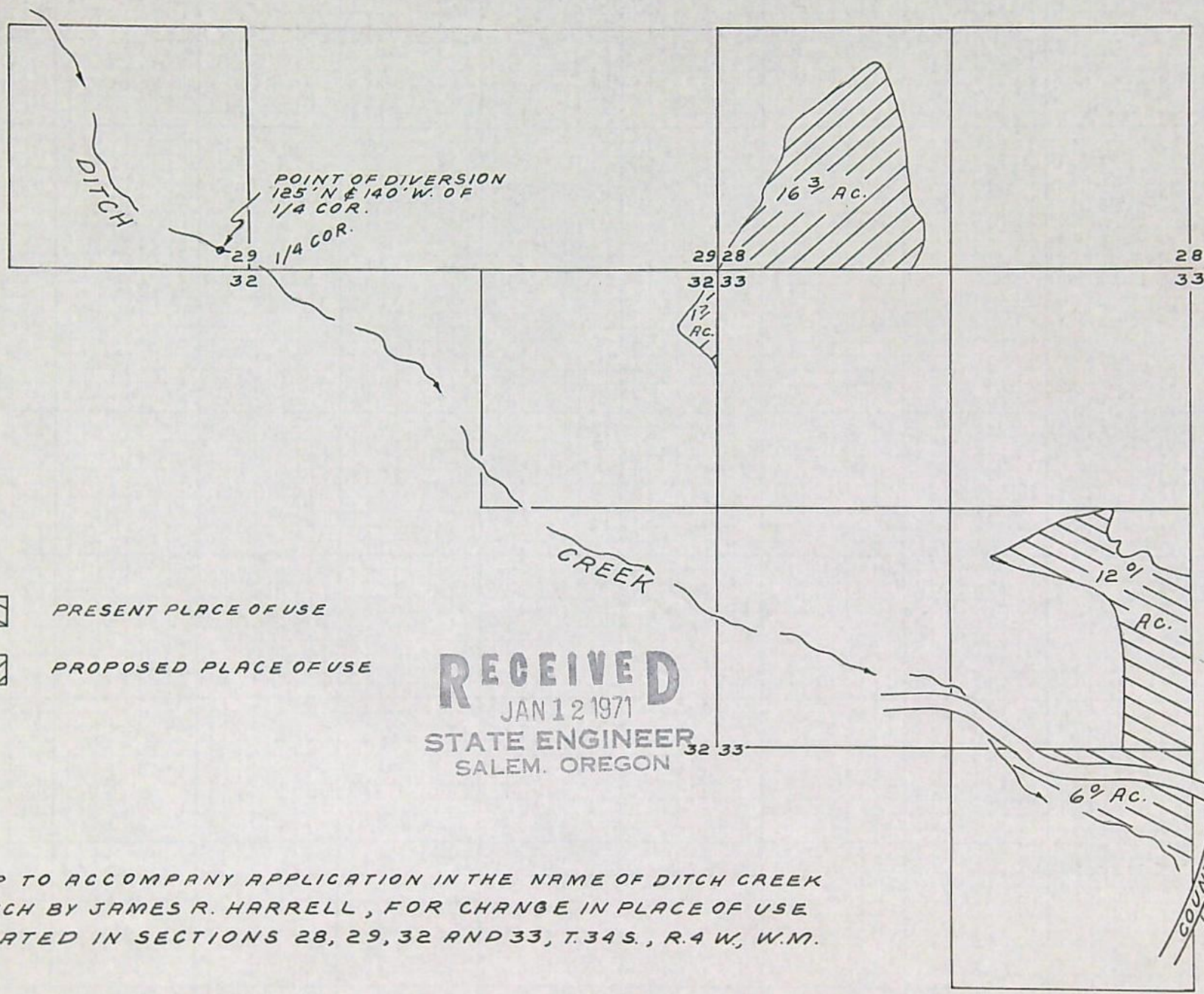
This certificate is issued to confirm a change in place of use approved March 29, 1971, and supersedes certificate 19722.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed



this date. May 24, 1977

James E. Sexson  
Water Resources Director



SCALE 8" = 1 MILE

T-2470

-  PRESENT PLACE OF USE  
 PROPOSED PLACE OF USE

**RECEIVED**  
 JAN 12 1971  
 STATE ENGINEER  
 SALEM, OREGON

MAP TO ACCOMPANY APPLICATION IN THE NAME OF DITCH CREEK  
 RANCH BY JAMES R. HARRELL, FOR CHANGE IN PLACE OF USE  
 LOCATED IN SECTIONS 28, 29, 32 AND 33, T.34 S., R.4 W., W.M.

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF DITCH CREEK RANCH FOR THE AP- )  
PROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM DITCH CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2470

On January 12, 1971, Ditch Creek Ranch filed an application in the office of the State Engineer for the approval of a change in place of use of water from Ditch Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Sylvester C. Hitson and recorded at page 19722, Volume 14, State Record of Water Right Certificates, confirms a right to the use of 0.23 cubic foot per second of the waters of Ditch Creek for the irrigation of 12.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 6.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 34 South, Range 4 West, W.M., with a date of priority of March 30, 1948.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 16.3 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 28, and 1.7 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 32, Township 34 South, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement to the effect that the proposed change in place of use 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 of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 12.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 6.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 34 South, Range 4 West, W.M., with a date of priority of March 30, 1948, be severed therefrom and simultaneously and without loss of priority, transferred to 16.3 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 28, and 1.7 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 32, Township 34 South, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1971.

It is FURTHER ORDERED that certificate of water right heretofore issued to Sylvester C. Hitson and recorded at page 19722, Volume 14, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Ditch Creek Ranch confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 29<sup>th</sup> day of March, 1971.

/s/ CHRIS L. WHEELER  
State Engineer

Permit No. 18173

Transfer No. T-2470

County Jackson

PROOF OF APPROPRIATION OF WATER

1. Name Ditch Creek Ranch 2. Address Rt. 1, Box 178, Rogue River, OR  
97537
3. Source of Supply Ditch Creek
- Tributary of Pleasant Creek
4. Amount of water 0.23 cubic foot per second 5. Priority date March 30, 1948
6. Use the irrigation of 18.0 acres
7. Location of point of diversion SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, T. 34 S., R. 4 W., W. M.,  
125 feet North and 140 feet West from the N $\frac{1}{4}$  Corner, Section 32.

8. The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

15.4 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 28  
2.6 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 33  
T. 34 S., R. 4 W., W. M.

RECEIVED

MAY - 21977

WATER RESOURCES DEPT  
SALEM, OREGON

IN WITNESS WHEREOF, I have hereunto set my hand this 29<sup>th</sup> day of April  
19 77.

Albert B. [Signature]  
Legal Owner of the above described lands

DTS-1975-A  
5-8-75  
DMN

REPORT ON INSPECTION UNDER  
TRANSFER OF WATER RIGHT FOR

Transfer No. 2470 ✓

County Jackson

1. Name Ditch Creek Ranch Address Route 1, Box 178, Rogue River, OR 97537
2. Source of Supply Ditch Creek, Trib. of Pleasant Creek (Evans Cr)
3. Amount of Water 0.23 c.f.s Priority Date March 30, 1948
4. Use irrigation of 18.0 ac.
5. ~~Proposed~~ Point of Diversion w/in SE<sup>4</sup> SW<sup>4</sup> SEC 29 T34S, R4W, W.M.  
125' N & 140' W from S  $\frac{1}{4}$  COR SEC 29.

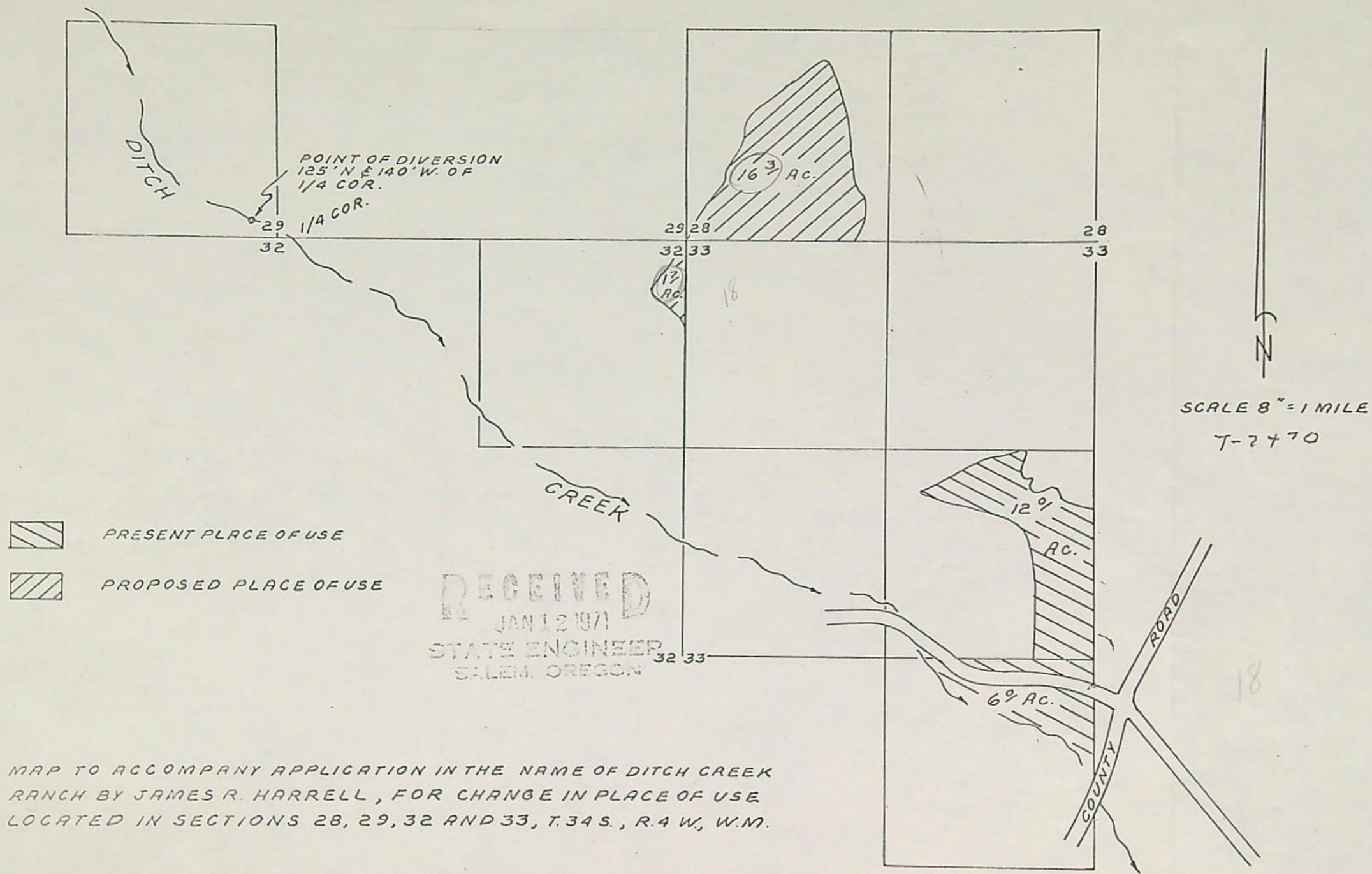
6. Place of Use      Date for application of water: 10/1/71

[illegible]

No Completion Notice Subm.

SEE TRANS #2469

David Horby  
Z.E.  
5-8-75



## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Ditch Creek Ranch by James R. Harrell  
(Name of applicant)

of Route 1, Box 178, Rogue River, County of Jackson,  
(Postoffice)

State of Oregon 97537, do hereby make application for change in place of use.

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

1. The source of present water right is Ditch 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 Williams Ditch.

4. The point of diversion is located 125 ft. N. and 140 ft. W. from the N<sup>1</sup>/<sub>4</sub>  
(N. or S.) (E. or W.)

corner of Section 32 being within the SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
(Section or subdivision)

of Section 29 Tp. 34 S. R. 4 W. 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 <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>
34 S.	4 W	33							12	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? March 30, 1948.

9. Was your water right acquired by State Engineer's Permit? Yes. If so, give number of permit 18173k.  
(Yes or No)

10. Do you hold a water right certificate? Yes. If so, give number of certificate 19722. ✓  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No. If so, give title of proceedings .....  
(Yes or No)

12. Is the water right recorded in your name? No., Sylvester C. Hitson. ✓  
(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			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
34	S 4 W	28											16.3					
		32	1.7															

(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 ..... ft. .... and ..... ft. .... from the .....  
(N. or S.) (E. or W.)  
corner of ..... being within the ..... of Section ..... Tp. .... R. .... W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of ..... The name of the ditch to be used is .....

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.  
.....  
.....  
.....

17. Are there any diversions between your present point of diversion and the proposed point of diversion? .....

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 to make better use of water on best  
land.  
.....  
.....  
.....

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

ss.

I, James R. Harrell, 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 2nd day of November, 1970.

James R. Harrell  
(Name of applicant)

Subscribed and sworn to before me this 2nd day of November, 1970.

[Notarial Seal]

Phyllis Gilman  
NOTARY PUBLIC FOR OREGON

My commission expires 3-2-73

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.