

2595

STATUS OF APPLICATION

Change in Pt. of Diversion, Place of Use +
Type of Use
Date filed Dec 30, 1971
Date of hearing June 5, 1972 9:30 a.m.
Place of hearing Medford
Date of order 7-14-72 Vol. 22, page 95
Date for application of water 10-1-73
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. 30, page 38220
FEB 11 1975 33 **41652**

DESCRIPTION OF WATER RIGHT

Name of stream Ashland Creek
Trib. of Bear Cr. County of Jackson
Use Irrigation
Quantity of water 0.073 cfs No. of acres 58
Name of ditch Smith-Myer-Roper
Date of priority 1864
In name of H.B. + L.B. Sander
Rogue River Adjudication, Vol. 4, page 12613
App. No. _____ Per. No. _____ Cert. No. 37660
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
12-30-71	25.00	26643
12-30-71	50.00 P.M.	26644
TOTAL . . .	\$300	
5-10-72	\$1 Cert. Fee	From Pub. g. Not.

FEES REFUNDED

Date	Amount	Check No.
5-10-72	\$9.11 Pub. g. Not.	4731

REMARKS

See Transfers # 2338, 2341, 2634
all from original Cert # 16031

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

CANCELED

Superseded by 38221
Cert. No. 38220

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

City of Ashland~~H. B. SANDER and L. B. SANDER~~

of Ashland

to the use of the waters of

Ashland Creek

, State of Oregon

, has a right

a tributary of

Bear Creek

for the purpose of

~~irrigation of 50.1 acres~~Municipal

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.

0.073

The point of diversion is located in the ~~NE 1/4 SW 1/4~~ SE SE 20, Section ~~4~~ 20, T. 39 S., R. 1 E., W. M.

~~Diversion point located below:~~ 100ft. N. & 10ft. W. from SE Cor Sec. 20

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

Sections
4, 5, 8, 9, 10, 11, 14, 15, 16, 17, & 23
T. 39 S. R. 1 E. W. M.

21.6 acres NW 1/4 NW 1/4
Section 4

26.5 acres NE 1/4 NE 1/4
Section 5

T. 39 S., R. 1 E., W. M.

2.0 acres SE 1/4 SE 1/4
Section 32

T. 38 S., R. 1 E., W. M.

17.9 acres Trsf.

V. 22 P 225

This certificate is issued to confirm a change in USE, Place of use & Pt. of Div. approved by an order of the State Engineer entered July 14, 1972, and Together with 38770 & 38771 supersedes certificate of water right heretofore issued to H.B. Sander & L.B. Sander and recorded at page 37660, Volume 29, State Record of Water Right Certificates.

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

, 19 71 .

CHRIS L. WHEELER

State Engineer

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

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 — 44.3and 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. 0.558The 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:15.8 ~~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.

Diversion point located: (Smith-Myer, Roper ditch) 850 feet North and 300 feet
West from SW Corner, Million DLC 41.

37660
July 14, 1972

Certificate of water right issued to H. B. Sander and L. B. Sander and recorded
at page ~~37480~~ 58, Volume 29, State Record of Water Right Certificates, confirms
the right to the use of water for irrigation of ~~57.1~~ 50' acres. A change in the
right to the use of water appurtenant to ~~7.0~~ 58 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

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF THE 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. 2595

On December 30, 1971, the 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, 5.8 acres in NW¼ NW¼, Section 4, 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 37660, Volume 29, 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 No. 41, being within the NE¼ SW¼ 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, 11, 14, 15, 16, 17, and 23, Township 39 South, Range 1 East, W.M., and to change the point of diversion to a point to be located

Gibraltar Onion Skin
MILLERS FALLS
ALL COTTON

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 June 5, 1972, 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 April 20, 27 and May 4, 1972. 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 5.8 acres in 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 municipal purposes in the City of Ashland within Sections 4, 5, 8, 9, 10, 11, 14, 15, 16, 17 and 23, Township 39 South, Range 1 East, W.M.

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MILLERS FALLS
ALL COTTON

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, 11, 14, 15, 16, 17, and 23, 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, 1973.

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 0.073 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 37660, 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 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 14th day of July, 1972.

/s/ CHRIS L. WHEELER
State Engineer

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON

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 Creek

a tributary of Bear Creek for the purpose of
irrigation of ~~32.2~~ ^{26.4} 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
~~0.407~~ cubic foot per second

0.334

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.,
(Smith-Myer, Roper ditch) 850 feet North and 300 feet West from SW Corner, Million *
A description of the place of use under the right, and to which such right is appurtenant, is as
follows:

^{13.3}
~~19.1~~ acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 4

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

Certificate of water right issued to H. B. Sander and L. B. Sander and recorded
at page 37660, Volume 29, State Record of Water Right Certificates, confirms the
right to the use of water for irrigation of 50.1 acres. A change in the right
to the use of water appurtenant to 17.9 acres was ^{5.6} approved by order of the State
Engineer entered October 19, 1972. 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.

* DLC 41.

*A change in the right to the use of water
appurtenant to 5.6 acres was approved by
an order of the S.E. entered July 19, 1972*

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 January 11, 1973.

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38770

AFFIDAVIT OF PUBLICATION

STATE OF OREGON, }
County of Jackson, } ss.

I, Doris Thompson, 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 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
CHANGE IN USE, PLACE OF USE,
AND POINT OF DIVERSION OF
WATER

Notice is given hereby that the City of Ashland has 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 name of H. B. & L. B. Sander for the use of the waters of Ashland Creek for the irrigation of 5.8 acres in NW 1/4 NW 1/4, Section 4,

By JOE CARNICELLI
UPI Sports Writer

Pitcher Tu
Drives In

It's Jan Klanecky
Boskovich during
day afternoon at
y put the tag on
Field for
Boskovich
taking th
Boskovich

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 20th day of April, 1972, and ending with the issue dated 4th day of May, 1972.

That the price actually charged for this notice was \$37.89.

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

Subscribed and sworn to before me this 24th day of April, 1972.

Notary Public for Oregon.

(My commission expires 10-5-74)

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,

County of Jackson,

} ss.

I, Doris Thompson, 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 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 CHANGE IN USE, PLACE OF USE, AND POINT OF DIVERSION OF WATER

Notice is given hereby that the City of Ashland has 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 name of H. B. & L. B. Sander for the use of the waters of Ashland Creek for the irrigation of 5.8 acres in NW 1/4 NW 1/4, Section 4, Township 39 South, Range 1 East, 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 feet North and 300 feet West from the SW corner of DLC No. 41 being within the NE 1/4 SW 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 within the City of Ashland 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 1/4 SE 1/4 of Section 20, Township 39 South, Range 1 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on June 5, 1972, at 9:30 a.m. All objections to the proposed changes, 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 the 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 14th day of April, 1972.

CHRIS L. WHEELER
State Engineer

Publish: Apr. 20, 27 May 4

was published in the regular
three successive
dated the 20th... d
issue dated 4th...
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 72...
\$... \$37.89...
legal rate was made for

Doris Thompson
of Ashland, 19 72
Legal
Public for Oregon.
19 72... 74...)