

2624 Olson-Lumber Lumber
P.O. Box 847
Medford, Ore. 97501

2624 T-2624

STATUS OF APPLICATION

Change in Place of Use & Kind of Use
Date filed April 10, 1972
Date of hearing MAY 9, 1978
Place of hearing Medford
Date of order 5-23-78 Vol. 30 page 660
Date for application of water 10-1-79 10-1-80 10-1-83 10-1-87
Proof mailed MAR 7 1986 JAN 15 1997
Proof received MAR 31 1997
Certificate issued MAR 31 1997 Vol. 74211 page 74211

DESCRIPTION OF WATER RIGHT

Name of stream Mill Creek
Trib. of _____ County of Jackson
Use Industrial & mill pond water
Quantity of water 0.89 cfs No. of acres _____
Name of ditch Nye ditch
Date of priority March 19, 1941
In name of Ross Lumber Co.
Adjudication, Vol. 19 page 19
App. No. 19216 Per. No. 14809 Cert. No. 27741 Traf. #0-36
Certificate cancelled _____
Notation made on record by See 59318

FEES PAID

Date	Amount	Receipt No.
4-10-72	25.00	28005
4-10-72	70.70	28006
TOTAL		
	\$1 Cert. Fee	

Medford Mail Tribune \$38.09 4-6-78 ck #2097

FEES REFUNDED

Date	Amount	Check No.
4-6-78	\$32.61	2096

Exam 15.00
COU 10.00
POH 38.00
6309

JUN 02 1999 76185

REMARKS

Surveyed 10/28/85 (Hardenall & O'Leary)
Do with T-2624
Assigned to Olson Lumber Company, Inc., P.O. Box 128, Medford, OR 97501 Vol 6 Page 472-36
3-7-86 Proof mailed to Holt & Bishop
received 3-12-86
JMS 6/15/88 RST

INDEX CARDS:	Entered	Checked
✓ Name	leg	
✓ Address	leg	
✓ Phone	leg	
✓ Other	leg	
✓ CHANGED TO NEW	leg	
✓ Two copies	leg	
✓ Description	leg	
✓ Description	leg	
✓ Copy of W.R.	leg	
✓ For Folder	leg	
✓ Index	leg	
✓ Cross Ref.	leg	
✓ Power Claim	leg	
✓ Abstracts	leg	

CCB

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NYE DITCH WATER USERS
C/O HOWARD BISHOP
1520 MILL CREEK ROAD
PROSPECT, OREGON 97536

confirms the right to use the waters of MILL CREEK, a tributary of ROGUE RIVER, for IRRIGATING 42.45 ACRES, SUPPLEMENTAL IRRIGATION FOR 0.7 ACRE AND DOMESTIC USE FOR ELEVEN (11) FAMILIES AND A SUPPLEMENTAL DOMESTIC SUPPLY FOR ONE FAMILY.

This right was perfected under Permit 14809. The date of priority is MARCH 19, 1941. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.66 CUBIC FOOT PER SECOND, BEING 0.54 CFS FOR IRRIGATION AND 0.12 CFS FOR DOMESTIC, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 28, T 32 S, R 3 E, W.M.; 1860 FEET NORTH AND 2690 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 28.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent.

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

A description of the place of use to which this right is appurtenant is as follows:

PRIMARY

SW 1/4 NE 1/4 4.0 ACRES
SE 1/4 NE 1/4 1.0 ACRE
SECTION 1

NW 1/4 NE 1/4 DOMESTIC
SW 1/4 NE 1/4 0.33 ACRE
SE 1/4 NW 1/4 7.82 ACRES AND DOMESTIC
NE 1/4 SW 1/4 DOMESTIC
SECTION 10

NW 1/4 NE 1/4 1.9 ACRES
SW 1/4 NE 1/4 3.4 ACRES
NE 1/4 NW 1/4 10.4 ACRES
SE 1/4 NW 1/4 5.4 ACRES
SECTION 11

NW 1/4 NE 1/4 8.2 ACRES
SECTION 16
TOWNSHIP 33 SOUTH, RANGE 2 EAST, W.M.

SUPPLEMENTAL

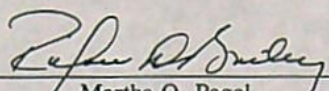
SW 1/4 NE 1/4 0.7 ACRE
SECTION 11
TOWNSHIP 33 SOUTH, RANGE 2 EAST, W.M.

This certificate is issued to confirm a change in USE AND PLACE OF USE approved by two orders of the Water Resources Director entered MAY 23, 1978, and supersedes Certificate 27741, State Record of Water Right Certificates.

THIS CERTIFICATE IS ISSUED TO CORRECT A CLERICAL ERROR IN THE DESCRIPTION OF THE DOCUMENT AND SUPERSEDES CERTIFICATE 74211.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed JUNE 2, 1999.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76185.

STATE OF OREGON

COUNTY OF JACKSON

delete & resubmit
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO *deb*

NYE DITCH WATER USERS
C/O HOWARD BISHOP
1520 MILL CREEK ROAD
PROSPECT, OREGON 97536

Superseded by
Certi No. 76185

confirms the right to use the waters of MILL CREEK, a tributary of ROGUE RIVER, for IRRIGATING 42.45 ACRES, SUPPLEMENTAL IRRIGATION FOR 0.7 ACRE AND DOMESTIC USE FOR ELEVEN (11) FAMILIES AND A SUPPLEMENTAL DOMESTIC SUPPLY FOR ONE FAMILY.

This right was perfected under Permit 14809. The date of priority is MARCH 19, 1941. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.66 CUBIC FOOT PER SECOND, BEING 0.54 CFS FOR IRRIGATION AND 0.12 CFS FOR DOMESTIC, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 28, T 32 S, R 3 E, W.M.; 1860 FEET NORTH AND 2690 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 28.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent.

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

A description of the place of use to which this right is appurtenant is as follows:

<u>PRIMARY</u>		
SW 1/4 NE 1/4	4.0	ACRES
SE 1/4 NE 1/4	1.0	ACRE
SECTION 1		
NW 1/4 NE 1/4	DOMESTIC	
SW 1/4 NE 1/4	0.33	ACRE
SE 1/4 NW 1/4	7.82	ACRES AND DOMESTIC
NE 1/4 SW 1/4	DOMESTIC	
SECTION 10		
NW 1/4 NE 1/4	1.9	ACRES
SW 1/4 NE 1/4	3.4	ACRES
NE 1/4 NW 1/4	10.4	ACRES
SE 1/4 NW 1/4	5.4	ACRES
SECTION 11		
NW 1/4 NE 1/4	8.2	ACRES
SECTION 16		
TOWNSHIP 33 SOUTH, RANGE 2 EAST, W.M.		

SEE NEXT PAGE

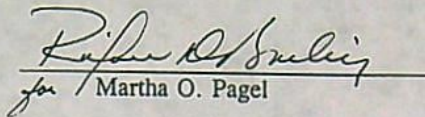
T-2624 & T-2626.LMJ

SUPPLEMENTAL
SW 1/4 NE 1/4 0.7 ACRE
SECTION 11
TOWNSHIP 33 SOUTH, RANGE 2 EAST, W.M.

This certificate is issued to confirm a change in USE AND PLACE OF USE approved by two orders of the Water Resources Director entered MAY 23, 1978, and supersedes Certificate 27741, State Record of Water Right Certificates.

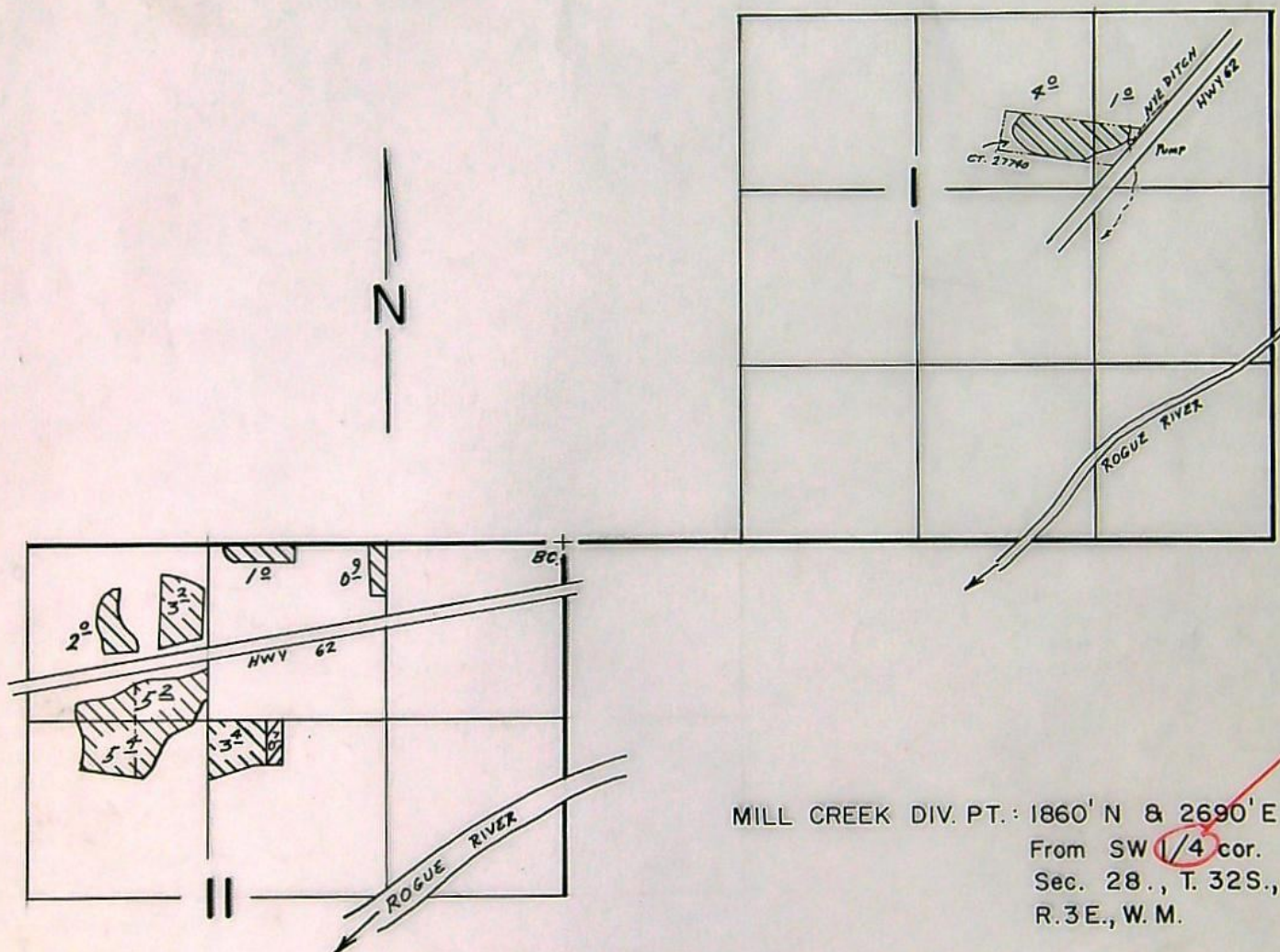
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MARCH 31, 1997.


for Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 74211.

T.33S., R.2E., W.M.



MILL CREEK DIV. PT.: 1860' N & 2690' E
From SW 1/4 cor.
Sec. 28., T. 32S.,
R. 3E., W. M.

- ☒ PRIMARY
☒ SUPPLEMENTAL

Scale 1" = 1320'

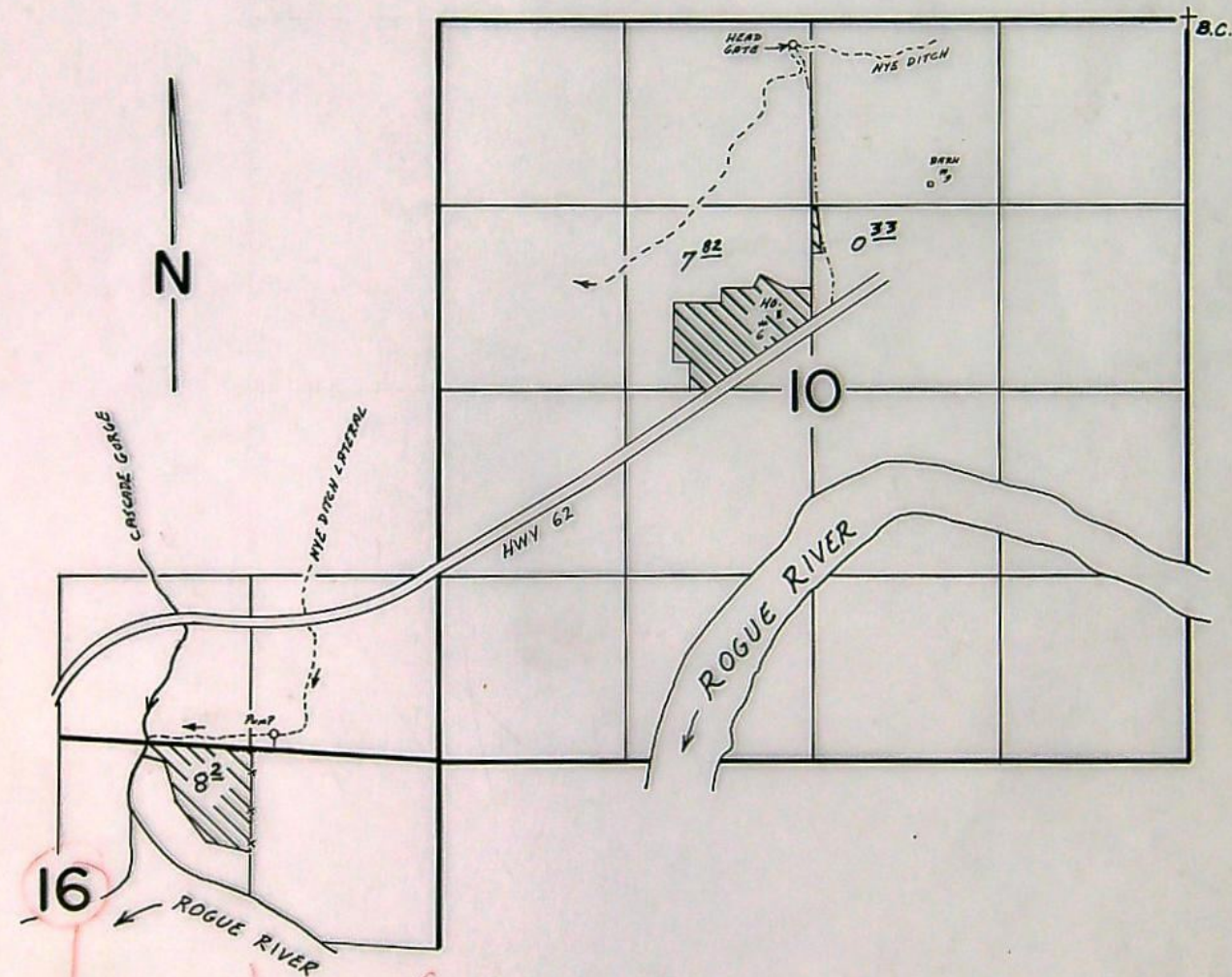
FINAL PROOF SURVEY UNDER

Transfer No. 2624

Application No. Permit No.
IN NAME OF

Surveyed Oct. 28, 1985, by B.S. JAMES.....

T.33S., R.2E., W.M.



Scale 1"=1320'

FINAL PROOF SURVEY

UNDER

Transfer No. 2624

Application No. Permit No.
IN NAME OF

.....
Surveyed Oct. 28, 1985, by B.S. JAMES

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF OLSON-LAWYER LUMBER, INC., FOR)
APPROVAL OF A CHANGE IN USE HERE-)
TOFORE MADE OF WATER)

ORDER APPROVING
TRANSFER NO. 2624

On April 10, 1972, an application was filed in the office of the Water Resources Director by Olson-Lawyer Lumber, Inc., for approval of a change in uses heretofore made of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at page 27741, Volume 19, State Record of Water Right Certificates, in the name of Ross Lumber Company, describes an existing right of record which includes the use of not to exceed 0.89 cubic foot per second from Mill Creek, being 0.60 cubic foot per second for steam boiler operation and 0.29 cubic foot per second for mill pond use, all within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 33 South, Range 2 East, W.M., with a date of priority of March 19, 1941.

Water for the said right is diverted, through the Nye Ditch, from a point located 1921 feet North and 2729 feet East from the Southwest Corner of Section 28, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 32 South, Range 3 East, W.M.

The applicant herein, owner of the water right above described, proposes to change, without loss of priority, from the uses heretofore made and in lieu thereof to use 0.04 cubic foot per second for a supplemental supply for domestic use for two families in NW $\frac{1}{4}$ NE $\frac{1}{4}$, one family in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and one family in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 10; and to use 0.85 cubic foot per second for irrigation of 4.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.0 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1; 0.15 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.83 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.82 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10; 1.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 21.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 9.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11; and 12.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16; and supplemental irrigation of 0.7 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11; all within Township 33 South, Range 2 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in The Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of March 13, 20 and 27, 1978.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in uses heretofore made of water may be made without injury to

existing rights.

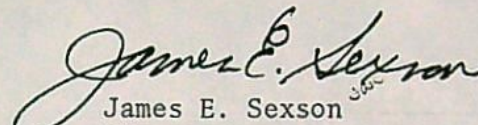
No objections having been filed and it appearing that the proposed change in uses heretofore made of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in uses heretofore made of water, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Ross Lumber Company and recorded at page 27741, Volume 19, 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, and the order approving transfer No. 2626, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 23rd day of May, 1978.


James E. Sexson
Director

STATE OF OREGON
COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **ROSS LUMBER COMPANY**

of Prospect, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Mill Creek, a tributary of Rogue River, for the purpose of steam boiler, mill pond, and domestic use for 10 families

under Permit No. 11809 of the State Engineer, 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 19, 1941

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 0.04 1.6 cubic foot per second, being 0.60 cubic foot per second for steam boiler, 0.29 cubic foot per second for mill pond and 0.11 cubic foot per second for domestic purposes for 10 families

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 Sec. 28, T. 32 S., R. 3 E., W.M.

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 ----- of one cubic foot per second per acre.

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:

steam boiler, mill pond, and domestic use for 10 families

Subdi-
vision

Sec-
tion

Domestic use for 7 families. For.
Sp. Or. Vol. 12, p. 68

SE 1/4 NW 1/4

10

T. 33 S., R. 2 E., W.M.

This certificate is issued to confirm a change in point of diversion of water approved by an order of the State Engineer entered February 18, 1960 pursuant to the provisions of ORS 540.510 to 540.530, and supersedes certificate of water right heretofore issued to George L. Jantzer Lumber Co. and recorded at page 16616, Volume 13, 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. October 17, 1960

State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page 27711

T-2624 T-2626

NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 2624

Notice is given hereby that Olson-Lawyer Lumber Company, Inc., has filed an application in the office of the Water Resources Director for approval of a change in use heretofore made from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certification of water right recorded at page 27741, Volume 19, State Record of Water Right Certificates, in the name of Ross Lumber Company, describes an existing right of record which includes the use of not to exceed 0.89 cubic foot per second from Mill Creek, being 0.60 cfs for steam boiler operation and 0.29 cfs for mill pond use, all within the SE 1/4 NW 1/4, Sec 10, T 33 S, R 2 E, WM, with a date of priority of March 19, 1941.

Water for the said right is diverted, through the Nye Ditch, from a point located 1921 ft N and 2729 ft E from the SW Corner of Sec 28, being within the NW 1/4 SE 1/4 of Sec 28, T 32 S, R 3 E, WM.

The applicant herein, owner of the water right above described, proposes to change, without loss of priority, from the uses heretofore made and in lieu thereof to use 0.04 cfs for a supplemental supply for domestic use for two families in NW 1/4 NE 1/4, one family in SW 1/4 NE 1/4 and one family in SE 1/4 NW 1/4 of said Sec 10; and to use 0.85 cfs for irrigation of 4.0 acres in SW 1/4 NE 1/4 and 1.0 acre in SE 1/4 NE 1/4 of Sec 1; 0.15 acre in NW 1/4 NE 1/4, 0.83 acre in SW 1/4 NE 1/4 and 7.82 acres in SE 1/4 NW 1/4 of Sec 10; 1.9 acres in NW 1/4 NE 1/4, 8.6 acres in SW 1/4 NE 1/4, 21.9 acres in NE 1/4 NW 1/4 and 9.0 acres in SE 1/4 NW 1/4 of Sec 11; and 12.0 acres in NW 1/4 NE 1/4 of Sec 16; and supplemental irrigation of 0.7 acre in SW 1/4 NE 1/4 of Sec 11; all within T 33 S, R 2 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on May 9, 1978, 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 Olson-Lawyer Lumber Company, Inc., c/o Mr. Dewey Wilson, P.O. Box 128, Medford, OR 97501 and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 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 WATER RESOURCES DIRECTOR WITHOUT A HEARING. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 6th day of March, 1978.

James E. Sexson
Director

Affidavit of Publication

State of Oregon,
County of Jackson

SS.

Sharon Morris

1. _____, being first duly

sworn, depose and say that I am the

OWNER, EDITOR, PUBLISHER, MANAGER.

Principal Clerk

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Medford in the aforesaid county and state;

that the Notice of water right transfer

No. 2624

_____ a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the

following issues March 13, 20, 27, 1978

(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sharon Morris

Subscribed and sworn to before me this 28th day of March, 1978

James J. Osborn

NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981

RECEIVED
MAR 31 1978
WATER RESOURCES DEPT.
SALEM, OREGON

ok.
208