

2576 Ole M. Van Dyke
226 Old Pacific Hwy S.
Talent, Ore. 97540

2576

STATUS OF APPLICATION

Change in Point of Diversion
Date filed October 14, 1971
Date of hearing January 4, 1972
Place of hearing Medford, Oregon
Date of order April 17, 1972 Vol. 22, page 7
Date for application of water 10-1-72
Proof mailed _____
Proof received _____
Certificate issued **NOV 23 1978** Vol. 36, page 43972
Survey 9-13-72

DESCRIPTION OF WATER RIGHT

Name of stream Wagner Creek
Trib. of — County of Jackson
Use Irrigation - Domestic - Stock
Quantity of water _____ No. of acres 6¹
Name of ditch Wagner & Thornton
Date of priority 1852
In name of James Foxhall
Rogue River Adjudication, Vol. 4, page 13 col. 2
App. No. _____ Per. No. _____ Cert. No. 16049
Certificate cancelled _____
Notation made on record by slw

FEES PAID

Date	Amount	Receipt No.
<u>10-14-71</u>	<u>25.00</u>	<u>25812</u>
<u>10-14-71</u>	<u>30.00 P.O.N.</u>	<u>25813</u>
TOTAL . . .		
<u>12-3-71</u>	<u>\$1 Cert. Fee</u>	<u>From Pub. 7 Net.</u>

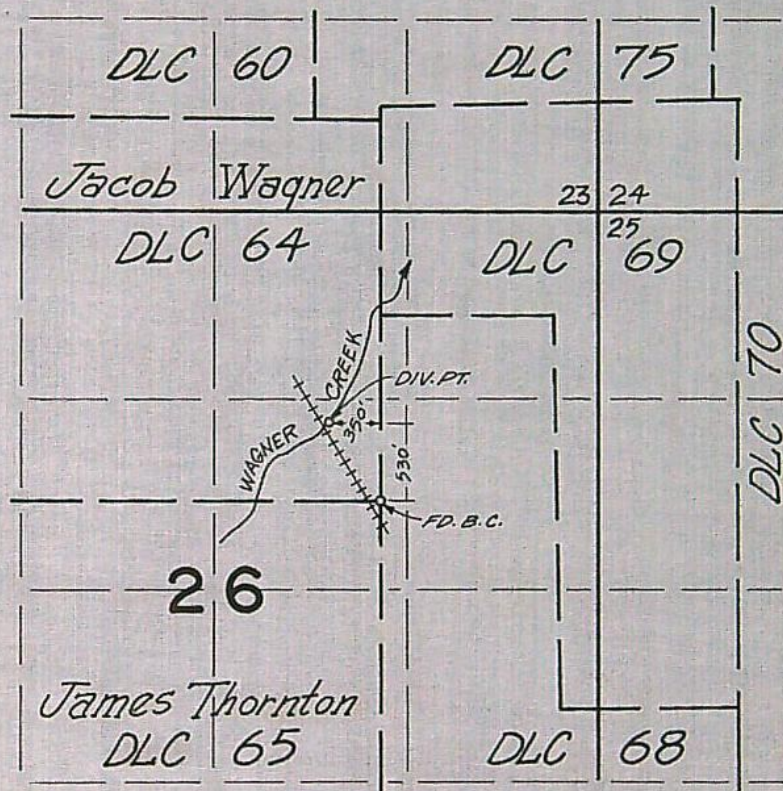
FEES REFUNDED

Date	Amount	Check No.
<u>12-3-71</u>	<u>* 4.91 Pub. 7 Net.</u>	<u>4488</u>

REMARKS

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

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



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2576
Application No. _____ Permit No. _____
IN NAME OF

OLA M. VAN DYKE

Surveyed JULY 11 1974, by L.M. TOLLE

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Ola M. Van Dyke
226 Old Pacific Hwy So.
of Talent, State of Oregon 97540, has a right to the use of
the waters of Wagner Creek, a tributary of Bear Creek
for the purpose of irrigation of 6.1 acres, ~~and Domestic~~ and Stock use.

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 1852;

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 0.10 cubic foot per
second.

P.O.D. SW 1/4 NE 1/4 as projected within Wagner DLE 64, Sec 26, T38S, R7W, WM,
S30° N E 350' W from the SE cor of Wagner DLE 64.

(10) 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:

6.1 acres in NW 1/4 NE 1/4
Section 26,
T. 38 S., R. 1 W., W. 2 N. .T

This certificate is issued to confirm a change in P.O.D
SE
approved by an order of the ~~Water Resources Director~~ entered April 17, 1972,
and supersedes certificate of water right issued to above
and recorded at Page 16049, Volume 13, State Record of Water Right Certificates.

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 16049

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF OLA M. VAN DYKE FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM WAGNER CREEK)

ORDER APPROVING
TRANSFER NO. 2576

On October 14, 1971, Ola M. Van Dyke filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Wagner 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 Wagner Creek and Its Tributaries, a water right was established in the name of James Foxhall for the use of the waters of Wagner Creek for the irrigation of, 6.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 38 South, Range 1 West, W.M., with a date of priority of 1852. This right is evidenced by certificate recorded at page 16049, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Wagner and Thornton Ditch from a point of diversion located North 42° 18' West 1990 feet from the South $\frac{1}{4}$ corner of Section 26, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 38 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of a pump from a point of diversion to be located 510 feet North and 375 feet West from the SE corner of DLC No. 64 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 38 South, Range 1 West, 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 point of diversion of water, if any there were,

namely: at the county courthouse in Medford, Oregon, on January 4, 1972, at 9:30 a.m. The notice was published in The Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of November 8, 15, and 22, 1971. 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 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 point of diversion of water may be made without injury to existing rights the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Wagner Creek, to-wit:

From a point located North 42° 18' West 1990 feet from the South $\frac{1}{4}$ corner of Section 26, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 38 South, Range 1 West, W.M.

To a point to be located 510 feet North and 375 feet West from the SE corner of DLC No. 64 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 38 South, Range 1 West, W.M.

for the irrigation of 6.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 38 South, Range 1 West, W.M., with a date of priority of 1852, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1972.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.10 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 James Foxhall and recorded at page 16049, Volume 13, 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 point of diversion, a certificate of water right shall be issued to Ola M. Van Dyke confirming said change in point of diversion.

Dated at Salem, Oregon, this 17th day of April, 1972.

/s/ CHRIS L. WHEELER
State Engineer

AFFIDAVIT OF PUBLICATION

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

I, Betty Duty, 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 A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Ola M. Van Dyke has filed an application for the approval of a change in point of diversion of water from Wagner Creek.

In the Rogue River Adjudication proceedings, a water right was established in the name of James Foxhall for the use of the waters of Wagner Creek for domestic and stock use and the irrigation of 6.1 acres in NW 1/4 NE 1/4, Sec. 26, T. 38 S., R. 1 W., W.M., with a date of priority of 1852. The water is conveyed to these lands by means of the Wagner and Thornton Ditch from a point of diversion located N 42 degrees 18' W 1990 ft. from the S 1/4 corner of Sec. 26 being within the NE 1/4 SW 1/4 of Sec. 26, T. 38 S., R. 1 W., W.M.

The applicant herein, owner of the lands above described, proposes to convey waters to these lands from a point of diversion to be located 510 ft. N and 375 ft. W from the SE corner of DLC No. 64 being within the SW 1/4 NE 1/4 of Sec. 26, T. 38 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on January 4, 1972, 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 Ola M. VanDyke, 226 Old Pacific Highway South, Talent, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 1st day of November, 1971.

CHRIS L. WHEELER
State Engineer

Publish: Nov. 8, 15, 22

was published in the regular
three successive
dated the 8th day
issue dated 22nd day

That the price actually
That a reduction of \$
charitable purposes.

Subscribed and sworn

spaper once a week for
mencing with the issue
, and ending with the

19 71

\$ 24.81

legal rate was made for

Betty Duty

of Nov. 1971

and also

y Public for Oregon.

(0-5-74)

DAVIT OF PUBLICATION

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

I, Betty Duty, 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 1/4 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;

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for them to go, they were more
"There wasn't much of a way
no sign of struggle.
he said, adding that there was
at the time the fracas started."
"I suspect they were in bed
victims in the chest and body.
He said the bullets struck the
more than once," Brown said.
"Some of them were shot
marital quarrel.
apparently were the result of a
Brown said the shootings
Nevada County Sheriff Wayne
Headsburg.
left a friend's home in

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 8th day of November, 1971, and ending with the
issue dated 22nd day of November, 1971.

That the price actually charged for this notice was \$ 24.81.

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

Subscribed and sworn to before me this 30th day of Nov, 1971.

Betty Duty
Notary Public for Oregon.

(My commission expires 10-25-74)