

Wilene M. Stubbs  
1001 Stevens Street  
Medford Ore 97501

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in Pt of Diversion + Place of Use  
 Date filed June 27, 1923  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 1-28-74 Vol. 24, page 79-81  
 Date for application of water 10-1-74  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued MAY 24 1974 Vol. 32, page 40380  
SEP 3 1982 45 Survey 51194

Name of stream Bear Creek  
 Trib. of \_\_\_\_\_ County of Jackson  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 20<sup>0</sup>  
 Name of ditch \_\_\_\_\_  
 Date of priority MARCH 25, 1913  
 In name of J. H. Hunt & John Lauerman  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 2849 Per. No. 1502 Cert. No. 2315  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

DVA Notification

Date	Amount	Receipt No.
<u>6-27-73</u>	<u>30.00</u>	<u>35142</u>
<b>TOTAL . . .</b>		
<u>12-27-73</u>	<u>3.00</u> Cert. Fee	<u>38006</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

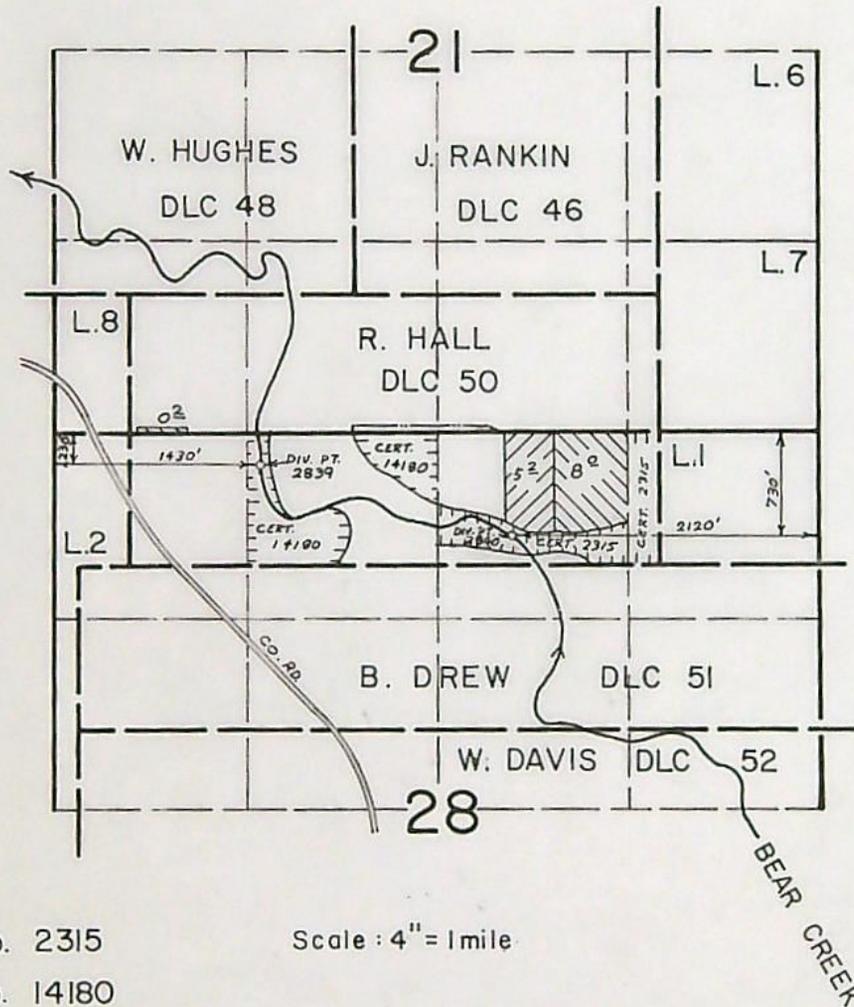
\_\_\_\_\_  
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W.R.F.S.  
 Assembled 2/1/85 by SLH  
 Entered \_\_\_\_\_ by \_\_\_\_\_  
 Verified \_\_\_\_\_ by \_\_\_\_\_

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

Flagged Verifiable

T. 36 S., R. 2 W., W.M.



□ Cert. No. 2315

Scale : 4" = 1 mile

▨ Cert. No. 14180

### FINAL PROOF SURVEY

UNDER

Transfers No. 2839  & 2840 .

IN NAME OF

.....ARLENE.....M.....STUBBS.....

Surveyed July..28., 1980., by Bruce..R....Sund

158

Recorded by  
Let No. 40380  
Spec. Ch. 23, 27

STATE OF OREGON

WATER DIVISION NO. 1 COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That *Floyd Venable* J. J. WARD and JOHN LAURENCE, c/o John Laurence  
6355 Blackwell Rd Central Point, OR 97501  
of 810 N. Jackson Street, Medford, State of Oregon, has made proof  
to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the  
waters of Bear Creek, a tributary of Bornie River  
for the purpose of the irrigation of 20.0 acres of land

under Permit No. 1502 of the State Engineer, and that said right to  
the use of said waters has been perfected in accordance with the laws of Oregon and  
duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1

at page 320, on the 15th day of May, 1919; that the priority of

the right hereby confirmed dates from March 25, 1913; 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 0.25 cubic feet per second, *if available at the original point of diversion, NE 1/4 NW 1/4*

hereunder shall conform to any reasonable rotation system ordered by the proper State Officer.

Description of the lands under such right, and to which the water hereby  
confirmed is appurtenant, or, if for other purposes, the place where such water is put  
to beneficial use, is as follows: 5 acres in the Northeast quarter of Northeast quarter;  
7 acres in the Northwest quarter of Northeast quarter; 8 acres in the Northeast  
quarter of Northwest quarter and 12 acres in the Northwest quarter of Northwest  
quarter of Section Twenty-eight, Township Thirty-six South, Range Two West of Will-  
amette Meridian, in Jackson County, Oregon.

Tract No. 1  
8.0 acres NW 1/4 NE 1/4  
w/in Hall DLC 50  
T36S R2W WM

Tract No. 2  
0.2 acre SW 1/4 SW 1/4  
w/in Hall DLC 50  
T36S R2W WM

The right to the use of the water aforesaid hereby confirmed is restricted to the  
lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty  
years from the date of priority of the right, as herein set forth, subject to a preference  
right of renewal under the laws existing at the date of the expiration of the right for  
power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE

This certificate is issued to confirm a change in place of use and point of  
diversion approved by an order of the Water Resources Director  
entered January 28, 1974 and together with certificate of water right  
recorded at page 40380, Volume 32, State Record of Water  
Right Certificates, supersedes certificate 2315.

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.

9-3-82

51194

1572B

POD: NW 1/4 NE 1/4 Hall DLC 50, NE 1/4 NW 1/4 Hall DLC 50, Sec 28, T36S, R2W  
WM, Tract No. 1 - 730' S & 2120' W from NE cor Sec 28, Tract No. 2 -  
230' S & 1430' E from NW cor Sec 28

Sec 28, T36S, R2W, WM, 577' S & 1775' E  
from NW cor Sec 28

STATE OF OREGON

WATER DIVISION NO. 1 COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That J. J. HAURI and JOHN LAUERMAN, c/o John Laureman

of 810 E. Jackson Street, Medford, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Bear Creek, a tributary of Rogue River

, for the purpose of the irrigation of 12.0 acres of land

under Permit No. 1502 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1,

at page 320, on the 15th day of May, 1919; that the priority of

the right hereby confirmed dates from March 25, 1913; 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 0.15 cubic feet per second, or its equivalent in case of rotation. The use hereunder shall conform to any reasonable rotation system ordered by the proper State Officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 5 acres in the Northeast quarter of Northeast quarter; 7 acres in the Northwest quarter of Northeast quarter; 8 acres in the Northeast quarter of Northwest quarter and 12 acres in the Northwest quarter of Northwest quarter of Section Twenty-eight, Township Thirty-six South, Range Two West of Wilamette Meridian, in Jackson County, Oregon.

5 acres NE 1/4 NE 1/4
7.0 acres NW 1/4 NE 1/4
Sec 28
T36 S R2W

Change in pt. of div. for 20 ac.
Sp Or. Vol. 8, p. 132

An order of the State Engineer entered on 28 1974, approves a change in the use of pt of div. for the irrigation of 20.0 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to J.J. Hauri & John Lauerman and recorded at page 2315, State Record of Water Right Certificates.

WATER BOARD affixed this 4th day of June, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER
State Engineer, President

Attest: R. W. POTTER
Secretary

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION  
OF ARLENE M. STUBBS FOR THE APPROVAL  
OF A CHANGE IN PLACE OF USE AND POINT  
OF DIVERSION OF WATER FROM BEAR CREEK

ORDER APPROVING  
TRANSFER NO. 2839

On June 27, 1973, Arlene M. Stubbs filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to J. J. Hauri and John Lauerman and recorded at page 2315, Volume 3, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.40 cubic foot per second of water from Bear Creek for the irrigation of, among other lands, 8.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 12.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, Township 36 South, Range 2 West, W.M., with a date of priority of March 25, 1913. These lands are irrigated from points of diversion located 577 feet South and 1775 feet East from the Northwest corner of Section 28, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, Township 36 South, Range 2 West, W.M., and 802 feet South and 2132 feet West from the Northeast corner of Section 28, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28, Township 36 South, Range 2 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right appurtenant to 8.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 0.2 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, Township 36 South, Range 2 West therefrom, without loss of priority to 0.2 acre in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.3 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 0.1 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21 and 7.6 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28, Township 36 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, also proposes to irrigate these lands from points of diversion to be located 400 feet South and 1460 feet East from the Northwest corner of Section 28, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, Township 36 South, Range 2 West, W.M., and 802 feet South and 2132 feet West from the Northeast corner of Section 28, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28, Township 36 South, Range 2 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said Section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement to the effect that the proposed change in 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 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 place of use of water is approved and the water right hereinbefore described as appurtenant to 8.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 0.2 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, Township 36 South, Range 2 West, W.M., with a date of priority of March 25, 1913, be severed therefrom and simultaneously and without loss of priority transferred to 0.2 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.3 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 0.1 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21, and 7.6 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28, Township 36 South, Range 2 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Bear Creek, to wit:

From a point located 577 feet South and 1775 feet East from the Northwest corner of Section 28, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28, Township 36 South, Range 2 West, W.M.

To a point to be located 400 feet South and 1460 feet East from the Northwest corner of Section 28, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28, Township 36 South, Range 2 West, W.M.

for the irrigation of 0.2 acre in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21 and 11.8 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, Township 36 South, Range 2 West, W.M., with a date of priority of March 25, 1913, is approved.

It is FURTHER ORDERED that the water so transferred shall be applied to beneficial use and the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1974.

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.

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 J. J. Hauri and John Lauerman and recorded at page 2315, Volume 3, 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 application of water to beneficial use and completion of the authorized change in point of diversion, a certificate of water right shall be issued to Arlene M. Stubbs confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 28th day of January, 1974.

/s/ CHRIS L. WHEELER  
State Engineer