

2839

Wilene M. Stubbs
1001 Stevens Street
Medford Ore 97501

STATUS OF APPLICATION

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

DESCRIPTION OF WATER RIGHT

Name of stream Bear Creek
 Trib. of _____ County of Jackson
 Use Irrigation
 Quantity of water _____ No. of acres 20⁰
 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

FEES PAID

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

FEES REFUNDED

Date	Amount	Check No.

REMARKS

INDEX CARDS:	Entered	Checked
Name	<u>WH</u>	_____
Stream	<u>WH</u>	_____
Pt. of Div.	_____	_____
Calendar	<u>WH</u>	_____
CHECKED TO RECORDS:		
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	_____	_____

TO BE ENTERED WHERE CHECKED

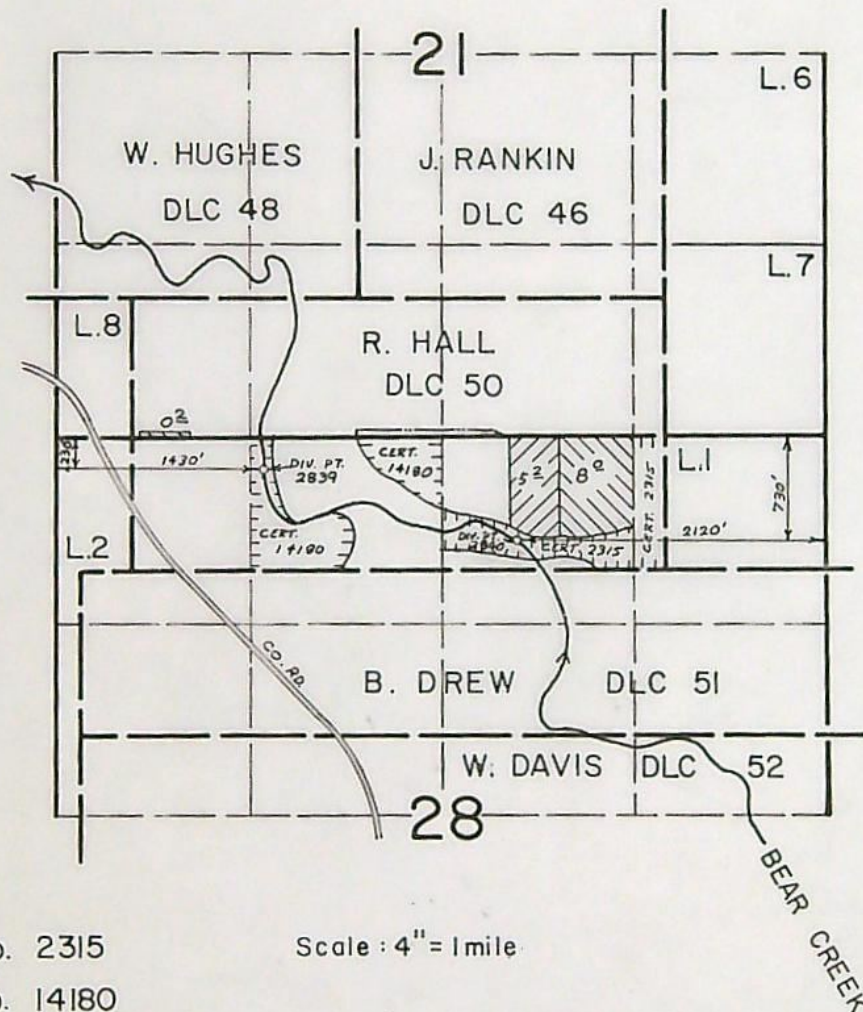
W.R. 13.

Assembled 2/1/85 by SLH

Entered _____ by _____

Verified _____ by _____

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





■ Cert. No. 2315

■ Cert. No. 14180

Scale: 4" = 1 mile

FINAL PROOF SURVEY UNDER

Transfers No. 2839  & 2840 .

IN NAME OF

ARLENE M. STUBBS

Surveyed July 28, 1980, by Bruce R. Sund

T-2839

158

Recorded by
 40380
 23, 17

STATE OF OREGON

WATER DIVISION NO. 1 COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

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

Floyd Venable
 This is to Certify, That *J. J. WARD and JOHN LAURENCE*, c/o John Laurence
6355 Blackwell Rd Central Point, OR 97501
 of 610 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 *Hear Creek*, a tributary of *Horn River*
20.0

for the purpose of the irrigation of *X 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, or its equivalent in case of rotation, and the
 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 NW 1/4
 w/in Hall Sec 28 50
 T36S R2W W1/4

Tract No. 2
 0.2 acre SW 1/4 SW 1/4
 w/in Hall Sec 50
 T36S R2W W1/4

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
 W1/4, 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, W1/4, 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}~~52~~ 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}~~0.40~~ 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

T36S 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

Recorded in State Record of Water Right Certificates, Volume 3, Page 2315.

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