

2840

STATUS OF APPLICATION

Change in Place of Use & Pt. of Diversion
Date filed June 27 1973
Date of hearing 1-22-74
Place of hearing Medford
Date of order 4-22-74 Vol. 24, page 250252
Date for application of water 10-1-75
Proof mailed _____
Proof received _____
Certificate issued MAR 9 1977 Vol. 36, page 44187
DEC 28 1982 V. 46, page 51330

DESCRIPTION OF WATER RIGHT

Name of stream Bear Creek
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 5²
Name of ditch _____
Date of priority September 6, 1911
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 1687 Per. No. 838 Cert. No. 1056
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-27-73</u>	<u>30.00</u>	<u>35143</u>
<u>6-27-73</u>	<u>45.00 P.O.N.</u>	<u>35144</u>
TOTAL . . .		
<u>12-28-73</u>	<u>1⁰⁰ Cert. Fee</u>	<u>From P.O.N.</u>
<u>4-19-74</u>	<u>2.00 " "</u>	<u>29631</u>

FEES REFUNDED

Date	Amount	Check No.
<u>3-24-77</u>	<u>\$1⁰⁰</u>	<u>1206</u>
<u>Express Cert. Rec. Fees</u>		

REMARKS

Sp. On V 24 P 62 approving T-2785 provided for cancelling the Cert # 1056

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
<u>W</u> Name	<u>✓</u>	_____
<u>W</u> Stream	<u>✓</u>	_____
<u>W</u> Pt. of Div.	_____	_____
<u>W</u> Calendar	<u>✓</u>	_____
CHECKED TO RECORDS:		
<u>W</u> Twp. & Rge.	<u>✓</u>	_____
_____ Decree-vault	_____	_____
_____ Decree-suit	_____	_____
<u>W</u> Cert. of W/R	<u>✓</u>	_____
<u>W</u> Per. holder	<u>✓</u>	_____
_____ Chaindex	_____	_____
_____ Cross Ref.	_____	_____
_____ Power claim	_____	_____
_____ Abstracts	_____	_____

W.R.I.S.

Assembled 3-27-84 by JGj
Entered _____ by _____

Venable

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FLOYD VENABLE

of 6355 Blackwell Road, Central Point, State of Oregon 97501, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Bear Creek

a tributary of Rogue River for the purpose of irrigation of 5.2 acres

under Permit No. 838 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 rights hereby confirmed dates from September 6, 1911

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 0.07 cubic feet per second, if available at the original point of diversion; SE 1/4 SW 1/4, Section 21, T36S, R2W, WM; 99 feet North and 1,428 feet East from SW Corner, Section 21

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 NE 1/4, as projected within Hall DLC 50, Section 28, T36S, R2W, WM; 730 feet South and 2,120 feet West from NE Corner, Section 28

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:

5.2 acres NW 1/4 NE 1/4 as projected within Hall DLC 50
Section 28
Township 36 South, Range 2 West, WM

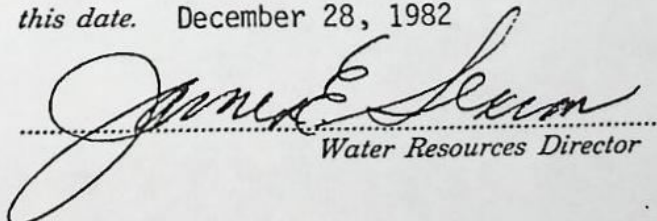
This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the Water Resources Director entered April 22, 1974, and together with certificate of water right recorded at page 44187, Volume 36 and page 51329, Volume 46, State Record of Water Right Certificates, supersedes Certificate 1056.

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.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. December 28, 1982


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51330

STATE OF OREGON
COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. A. PEIRCE

of R.F.D. No. 1, Central Point, State of Oregon, 97501, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Bear Creek

a tributary of Rogue River for the purpose of
irrigation of ~~30.5~~ acres
5.3

under Permit No. 838 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 September 6, 1911

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 ~~0.13~~ cubic foot per second
0.07

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, T. 36 S., R. 2 W., W. M. being 99' N & 1428' E from the SW Cor of Sec 21.

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:

5 ³ / ₄	9.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$	7 ²⁸⁴⁰ 3.7
	1.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.5
	Section 21	
	T. 36 S., R. 2 W., W. M.	

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 1056, Volume 2, State Record of Water Right Certificates, NOT modified by the provisions of ~~an~~ orders of the Water Resources Director entered on Jan 8, 1974, approving transfer application No. 2785. and on April 22, 1974, approving transfer application No. 2840. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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.

.....
State Engineer

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

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF TRU-MIX CONSTRUCTION COMPANY, BY
ROBERT B. STUART, SECRETARY-TREASURER,
FOR THE APPROVAL OF A CHANGE IN PLACE
OF USE AND POINT OF DIVERSION OF WATER
FROM BEAR CREEK

ORDER APPROVING
TRANSFER NO. 2840

On June 27, 1973, Tru-Mix Construction Company, by Robert B. Stuart, Secretary-Treasurer, 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 R. A. Pierce and recorded at page 1056, Volume 2, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.36 cubic foot per second of water from Bear Creek for the irrigation of, among other lands, 3.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 1.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 36 South, Range 2 West, W.M., with a date of priority of September 6, 1911. These lands are irrigated from a point of diversion located 99 feet North and 1428 feet East from the Southwest corner of Section 21, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 36 South, Range 2 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 0.2 acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, and 5.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 36 South, Range 2 West, W.M., and to irrigate these lands from a point of diversion to be located 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 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 22, 1974, at 9:30 a.m. The notice was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of November 28, December 5 and 12, 1973. 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 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 3.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 1.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 36 South, Range 2 West, W.M., with a date of priority of September 6, 1911, be severed therefrom and simultaneously and without loss of priority transferred to 0.2 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, and 5.0 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 99 feet North and 1428 feet East from the Southwest corner of Section 21, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 36 South, Range 2 West, W.M.

To a point to be located 802 feet South and 2132 feet West from the Northeast corner of Section 28, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 36 South, Range 2 West, W.M.

for the irrigation of 0.2 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21 and 5.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 36 South, Range 2 West, W.M., with a date of priority of September 6, 1911, is approved.

It is FURTHER ORDERED that said 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, 1975.

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 0.07 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 R. A. Pierce and recorded at page 1056, Volume 2, 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 Tru-Mix Construction Company confirming the change in point of diversion and the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 22nd day of April, 1974.

/s/ CHRIS L. WHEELER
State Engineer

**NOTICE OF FILING
APPLICATION FOR A CHANGE
IN POINT OF DIVERSION AND
PLACE OF USE OF WATER**

Notice is given hereby that Tru-Mix Construction Company, Robert B. Stuart, Secretary-Treasurer, filed an application for the approval of a change in place of use and point of diversion of water from Bear Creek.

Certificate of water right issued to R. A. Pierce and recorded at page 1056, Volume 2, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.36 cubic foot per second of water from Bear Creek for the irrigation of, among other lands, 3.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 1.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 36 South, Range 2 West, W.M., with a date of priority of September 6, 1911. Water for this use is diverted from a point located 99 feet North and 1428 feet East from the SW corner of Section 21, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 36 South, Range 2 West, W.M.

The applicant herein, owner of the land above described, proposes to change the place of use to the irrigation of 0.2 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, and 5.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 36 South, Range 2 West, W.M., and irrigate these lands from a point of diversion to be located 802 feet South and 2132 feet West from the NE corner of Section 28, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 36 South, Range 2 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on January 22, 1974, 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 Tru-Mix Construction Company, Robert B. Stuart, Secretary-Treasurer, 1001 Stevens Street, Medford, Oregon, 97501, 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 19th day of November, 1973.

CHRIS L. WHEELER
State Engineer

RECEIVED

Affidavit of Publication DEC 17 1973

STATE ENGINEER
SALEM, OREGON

State of Oregon, }
County of Jackson } ss.

1. Evalynne D. Smith, 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 Filing Application for a Change
in Pt. of Div. of Water - Tru-Mix Co., 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 Nov. 28, Dec. 5, 12, 1973
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Evalynne D. Smith

Subscribed and sworn to before me this 12th day of Dec., 1973

Alta M. Lindsey
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of Oct., 1977