

2842 Roger & Louise
Van der Hellen
6418 Blackwell Rd. Centerville
2842

STATUS OF APPLICATION

Change in Place of Use
Date filed June 28, 1973
Date of hearing _____
Place of hearing _____
Date of order 12-18-73 Vol. 23, page 459-60
Date for application of water 10-1-74
Proof mailed _____
Proof received _____
Certificate issued JAN 18 1977 Vol. 36, page 44078

DESCRIPTION OF WATER RIGHT

Name of stream Bear Creek
Trib. of _____ County of Tackson
Use Irrigation
Quantity of water _____ No. of acres 81
Name of ditch _____
Date of priority MARCH 7, 1917
In name of Roy Nichols
_____ Adjudication, Vol. _____, page _____
App. No. 5428 Per. No. 3414 Cert. No. 2871
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-28-73</u>	<u>20.00</u>	<u>35190</u>
TOTAL . . .		
<u>9-18-73</u>	<u>150</u> Cert. Fee	<u>36658</u>

FEES REFUNDED

Date	Amount	Check No.
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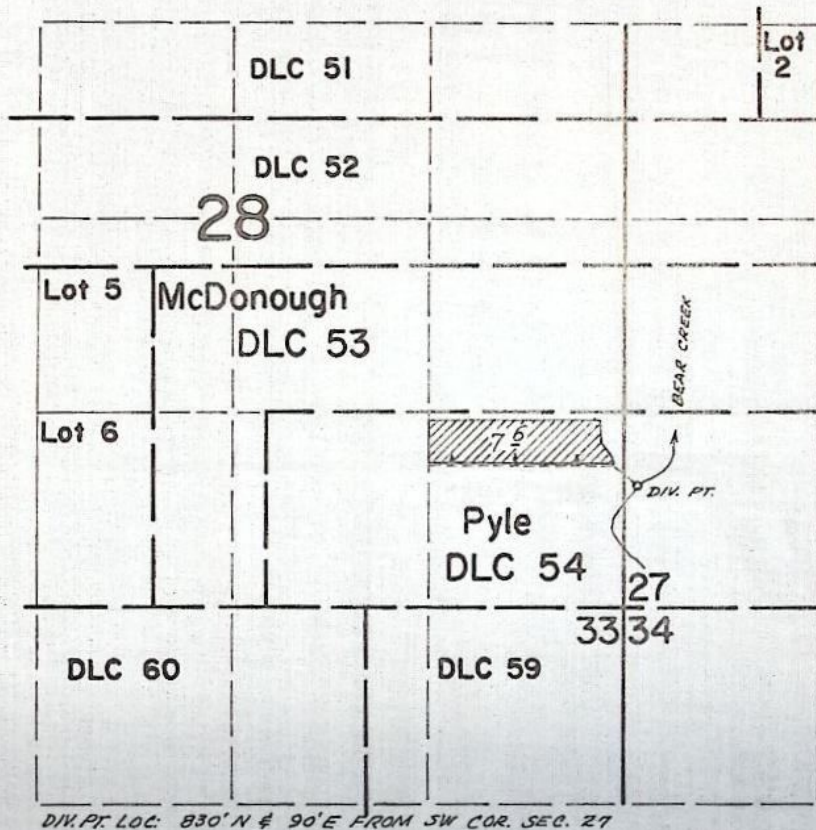
REMARKS

proof mailed 11-19-76

W.R.T.S.	
Assembled <u>1/7/85</u> by <u>CLH</u>	
Entered _____ by _____	
Verified _____ by _____	

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>WAC</u>	____
____ Decree-vault	____	____
____ Decree-sale	____	____
____ Cert. of W/R	<u>WAC</u>	____
____ Per. Folder	<u>WAC</u>	____
____ Chainindex	____	____
____ Cross Ref.	____	____
____ Power Claim	____	____
____ Abstracts	____	____

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



FINAL PROOF SURVEY
UNDER

Transfer No. 2842

Application No. Permit No.
IN NAME OF

ROGER AND LOUISE VON DER HELLEN

Surveyed April 29, 1975, by D. Norby

STATE OF OREGON

WATER DIVISION NO.

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

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

This is to Certify, That Roger & Louise von der Hellen
6478 Blackwell Rd ~~ROY NICHOLS~~
of ~~Route 1, Box 102, Central Point~~ State of Oregon 97501, 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 27.4 acres of land

under Permit No. 3414 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 368, on the 17th day of November, 1920; that the priority of
the right hereby confirmed dates from March 7, 1917; 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 0.34 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: 27.4 acres in the Southeast quarter of Southeast
quarter of Section Twenty-eight, Township Thirty-six South, Range Two West of
Willamette Meridian, in Jackson County, Oregon.

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

WATER BOARD affixed this 1st day

This certificate is issued to confirm a change in place of use
approved by an order of the SE Water Resources Director entered Dec 18, 1973,
and supersedes certificate of water right issued to above
and recorded at Page 2871, Volume 4, State Record of Water Right Certificates.

Attest: R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, Page 2871

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF ROGER AND LOUISE VON DER HELLEN
FOR THE APPROVAL OF A CHANGE IN PLACE
OF USE OF WATER FROM BEAR CREEK

ORDER APPROVING
TRANSFER NO. 2842

On June 28, 1973, Roger and Louise von der Hellen filed an application in the office of the State Engineer for the approval of a change in place of use of water from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Roy Nichols and recorded at page 2871, Volume 4, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.35 cubic foot per second of water from Bear Creek for the irrigation of, among other lands, 8.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 36 South, Range 2 West, W.M., with a date of priority of March 7, 1917. These lands are irrigated from a point of diversion located North 59° East, 292 feet from the Southeast corner of Section 28, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 36 South, Range 2 West, W.M.

The applicants herein, owners of the land above described, propose to transfer the water right therefrom, without loss of priority, to 6.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, and 1.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, 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 that said section provides notice is not required on an application for a change in place of use of water.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement to the effect that the proposed change in place of use 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 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 8.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 36 South, Range 2 West, W.M., with a date of priority of March 7, 1917, be severed therefrom and simultaneously and without loss of priority transferred to 6.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, and 1.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 36 South, Range 2 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that certificate of water right heretofore issued to Roy Nichols and recorded at page 2871, Volume 4, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Roger and Louise von der Hallen confirming the extent to which the water has been applied beneficially and including the balance of the right not involved in this proceeding.

Dated at Salem, Oregon, this 18th day of December, 1973.

/s/ CHRIS L. WHEELER
State Engineer