

2843

STATUS OF APPLICATION

Change in Place of Use
 Date filed June 28, 1973
 Date of hearing _____
 Place of hearing _____
 Date of order 12-26-73 Vol. 23, page 491-2
 Date for application of water 10-1-74
 Proof mailed _____
 Proof received _____
 Certificate issued FEB 4 1975 Vol. 33, page 41604
MAR 9 1977 001.36 89 44188

DESCRIPTION OF WATER RIGHT

Name of stream Bear Creek
 Trib. of _____ County of Jackson
 Use Irrigation
 Quantity of water _____ No. of acres 25.6
 Name of ditch _____
 Date of priority October 10, 1911
 In name of Ralph W. Elden
 _____ Adjudication, Vol. _____, page _____
 App. No. 1771 Per. No. 889 Cert. No. 797
 Certificate cancelled _____
 Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>6-28-73</u>	<u>20.00</u>	<u>35191</u>
TOTAL . . .	<u>150 3.00</u>	
<u>11-5-73</u>	Cert. Fee	<u>37306</u>

FEEES REFUNDED

Date	Amount	Check No.

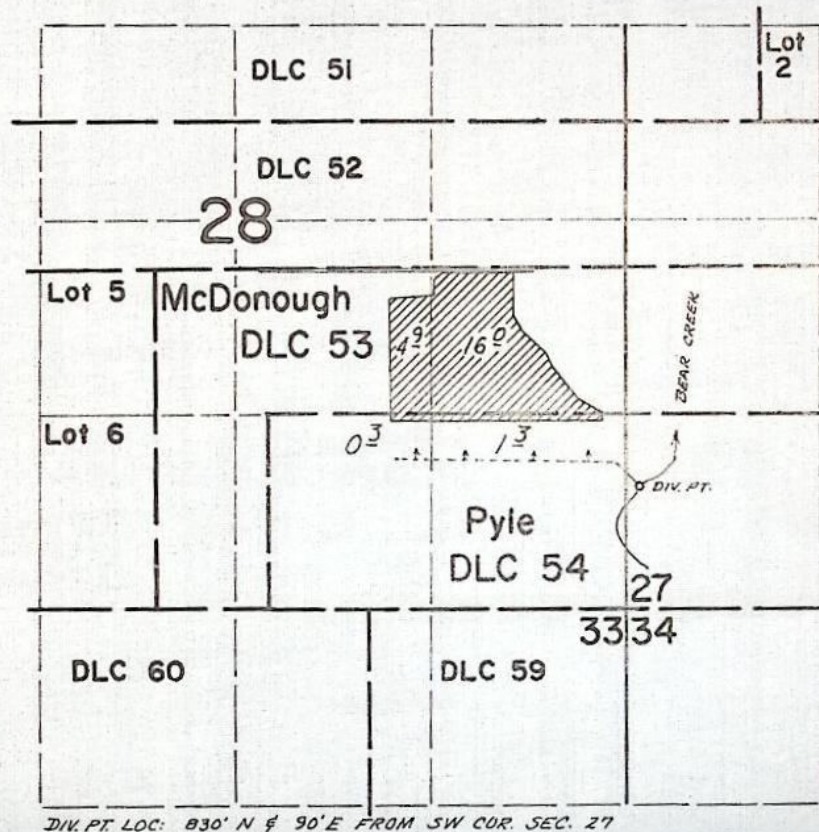
REMARKS

proof mailed 12-15-76
need add. info. 12-30-76

W.R.I.S.
 Assembled 4-3-84 by Lij
 Entered _____ by _____
 Verified _____ by _____

INDEX CARDS:	Entered	Checked
Name	<u>WA</u>	<u> </u>
Stream	<u> </u>	<u> </u>
Pt. of Div.	<u> </u>	<u> </u>
Calendar	<u>WA</u>	<u> </u>
CHECKED TO RECORDS:		
Twp. & Rge.	<u>WAC</u>	<u> </u>
Decree-vault	<u> </u>	<u> </u>
Decree-safe	<u> </u>	<u> </u>
Cert. of W/R	<u>WAC</u>	<u> </u>
Per. Folder	<u> </u>	<u> </u>
Chaindex	<u> </u>	<u> </u>
Cross Ref.	<u> </u>	<u> </u>
Power Claims	<u> </u>	<u> </u>
Abstracts	<u> </u>	<u> </u>

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



FINAL PROOF SURVEY
UNDER

Transfer No. 2843

Application No. _____ Permit No. _____

IN NAME OF

HARRISON ELDEN AND ROGER VON DER HELLEN

Surveyed April 29 1975, by D. Norby

Superseded by
Cert. No. 41604
Spec. Or. V. 23, p. 491
(7-2843)

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 Harrison Elden & Roger von der Hellen
6478 Blackwell Rd
of 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 22.5 acres of land

under Permit No. 869 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 168, on the 18th day of November, 1914; that the priority of
the right hereby confirmed dates from October 10, 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 0.28 cubic foot 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:

4.6 acres in the SW¹/₄ of SW¹/₄ of Section Twenty-seven (27); 5.1 acres in the
SE¹/₄ of SE¹/₄; 9.2 acres in the SW¹/₄ of SE¹/₄; 13.2 acres in the NW¹/₄ of SE¹/₄; 0.5 acres
in the SE¹/₄ of SW¹/₄; 16.5 acres in the NE¹/₄ of SW¹/₄ of Section Twenty-eight (28),
Township Thirty-six (36) South Range Two (2) West of Willamette Meridian.

16.0 NE¹/₄SE¹/₄
9.9 NW¹/₄SE¹/₄
0.3 SW¹/₄SE¹/₄
1.3 SE¹/₄SE¹/₄
Sec 28
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

WATER BOARD affixed this 16th day

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 Dec 26, 1973,

together with cont 41604 and supersedes certificate of water right issued to 797

Attest: M. P. MERS
Secretary

Recorded in State Record of Water Right Certificates Volume 1, Page 797

Superseded by
Cert. No. 41624-044 188

Spec. Or. V23 p 491
(7-2893)

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 RALPH W. ELDEN

of Central Point, 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 63.1 acres of land

under Permit No. 889 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 168, on the 18th day of November, 1914; that the priority of

the right hereby confirmed dates from October 10, 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 0.80 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:

4.8 acres in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section Twenty-seven (27); 9.1 acres in the
SE $\frac{1}{4}$ of SE $\frac{1}{4}$; 9.0 acres in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$; 23.2 acres in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$; 0.5 acres
in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$; 16.5 acres in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$; of Section Twenty-eight (28),
Township Thirty-six (36) South Range Two (2) West of Willamette Meridian.

25 $\frac{1}{2}$ a.c. Trist
9.1 SESE 12.5 NEW 0.9 4.8 SWSW -4.8
9.0 SWSE -1.8 28
23.2 NWSE 10.9
1.5 SESE

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 16th day

of December, 1914.

(SEAL OF STATE WATER BOARD)

STATE WATER BOARD

By JOHN H. LEWIS
State Engineer, President

Attest: M. F. MERS
Secretary

Recorded in State Record of Water Right Certificates, Volume 1, Page 797

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

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

ORDER APPROVING
TRANSFER NO. 2843

On June 28, 1973, Harrison F. Elden and Roger 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 Ralph W. Elden and recorded at page 797, Volume 1, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.80 cubic foot per second of water from Bear Creek for the irrigation of, among other lands, 0.9 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 10.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 1.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 7.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, and 4.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 36 South, Range 2 West, W.M., with a date of priority of October 10, 1911. These lands are irrigated from a point of diversion located North 59° East, 292 feet from the Southwest corner of Section 27, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, 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 18.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 5.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.3 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 1.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, 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 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 4.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, 0.9 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 10.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 1.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 7.2 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 October 10, 1911, be severed therefrom and simultaneously and without loss of priority transferred to 18.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 5.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.3 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 1.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, 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 Ralph W. Elden and recorded at page 797, Volume 1, 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, a certificate of water right shall be issued to Harrison F. Elden and Roger von der Hellen confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 26th day of December, 1973.

/s/ CHRIS L. WHEELER
State Engineer