

2844

STATUS OF APPLICATION

Change in Place of Use & Pt. of Diversion
 Date filed _____
 Date of hearing _____
 Place of hearing _____
 Date of order 11-29-78 Vol. 31, page 455
 Date for application of water 10-1-80
 Proof mailed _____
 Proof received _____
 Certificate issued 7/26/88 Vol. 53, page 573.25

DESCRIPTION OF WATER RIGHT

Name of stream Jackson Creek
 Trib. of _____ County of Jackson
 Use Irrigation
 Quantity of water _____ No. of acres 60
 Name of ditch _____
 Date of priority July 15, 1929
 In name of Roy W. Nichols
 _____ Adjudication, Vol. _____, page _____
 App. No. 12852 Per. No. 9162 Cert. No. 8748
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-28-73</u>	<u>30.00</u>	<u>35192</u>
1-4-74		
TOTAL . . .		
<u>1-4-74</u>	<u>3.00</u> Cert. Fee	<u>38109</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See T # 3168

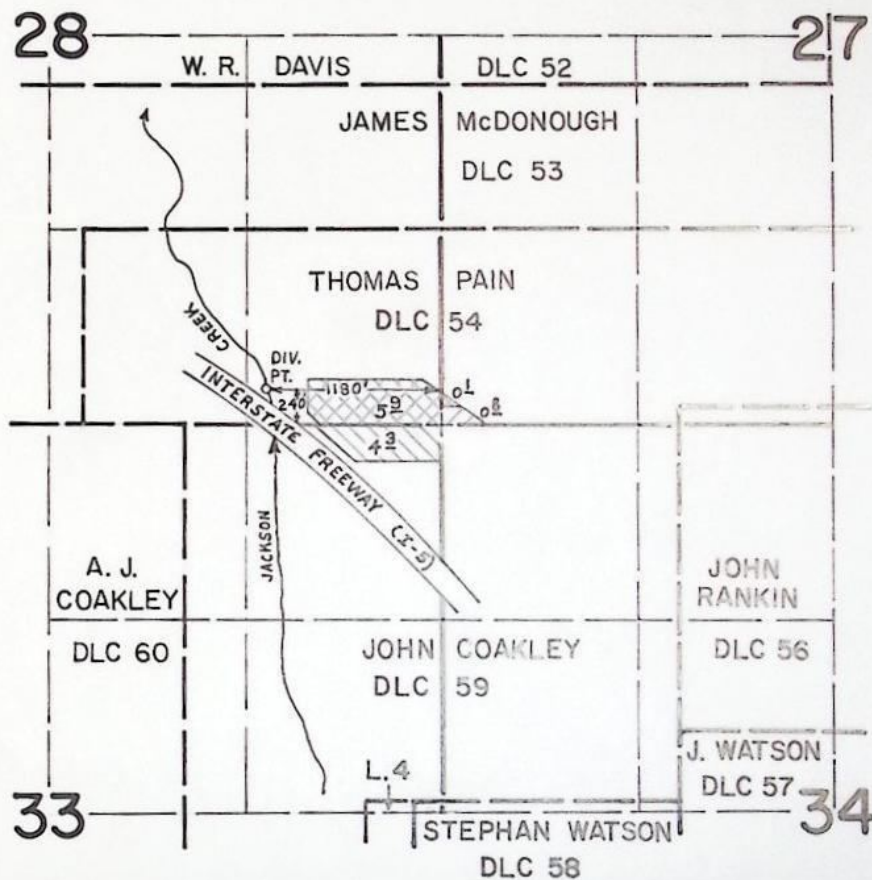
Part Cancelled Sp. Or. Vol 25 p. 336 (2.1) ac

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>lg</u>
<input checked="" type="checkbox"/>	Stream	<u>lg</u>
<input checked="" type="checkbox"/>	Pt. of Div.	<u>lg</u>
<input checked="" type="checkbox"/>	Calendar	<u>lg</u>
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>lg</u>
<input type="checkbox"/>	Decree-vault	<u>lg</u>
<input type="checkbox"/>	Decree-safe	<u>lg</u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u>suc</u>
<input checked="" type="checkbox"/>	Per. Folder	<u>suc</u>
<input type="checkbox"/>	Chainindex	<u>lg</u>
<input type="checkbox"/>	Cross Ref.	<u>lg</u>
<input checked="" type="checkbox"/>	Power Claim	<u>lg</u>
<input type="checkbox"/>	Abstracts	<u>lg</u>

To Survey

· 12-81

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



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2844

Application No. Permit No.
IN NAME OF

GREAT VALLEY DEVELOPMENT CO.

Surveyed FEB. 4 1983, by B. S. JAMES

SCALE: 4" = 1 MILE

☒ PRIMARY

☐ SUPPLEMENTAL

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that GREAT VALLEY DEVELOPMENT COMPANY, of 6478 BLACKWELL ROAD, CENTRAL POINT, OREGON 97502, has a right to the use of the waters of JACKSON CREEK, a tributary of BEAR CREEK, for the purpose of IRRIGATION OF 6.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 5.1 ACRES.

The right has been perfected under Permit 9162. The date of priority is JULY 15, 1929. The right is limited to not more than 0.169 CUBIC FOOT PER SECOND IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION.

The point of diversion is located as follows:

as projected w/in DLC 54
SE1/4 SE1/4, SECTION 28, T36S, R2W, WM; 240 FEET
NORTH AND 1180 FEET WEST FROM THE SE CORNER, SECTION 28

The right 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, and to which such right is appurtenant, is as follows:

	PRIMARY	SUPPLEMENTAL
SW1/4 SW1/4 AS PROJECTED WITHIN DLC 54 SECTION 27	0.1 ACRE	0.8 ACRE
SE1/4 SE1/4 AS PROJECTED WITHIN DLC 54 SECTION 28	5.9 ACRES	
NE1/4 NE1/4 AS PROJECTED WITHIN DLC 59 SECTION 33 TOWNSHIP 36 SOUTH, RANGE 2 WEST, WM		4.3 ACRES

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered NOVEMBER 29, 1978, *and* supersedes certificate 8748, State Record of Water Right Certificates.

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 above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date July 26, 1988.

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57375

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
GREAT VALLEY DEVELOPMENT CO. FOR)
APPROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 2844

On June 28, 1973, an application was filed in the office of the Water Resources Director by Great Valley Development Company for approval of changes in place of use and point of diversion from Jackson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 8748, Volume 8, State Record of Water Right Certificates, in the name of Roy W. Nichols, describes a right which includes the use of not to exceed 0.169 cubic foot per second from Jackson Creek for irrigation of a certain 0.8 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27; 6.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; and 1.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 36 South, Range 2 West, W.M., with a date of priority of July 15, 1929.

Water for the said right is diverted from a point located 400 feet South and 1100 feet West from the Northeast Corner of Section 33, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 36 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes, without loss of priority, to change the place of use from a certain 1.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 2.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; and 1.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, as described above, to a certain 0.1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 and 5.9 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 36 South, Range 2 West, W.M.

The applicant also proposes to change the point of diversion therefrom, without loss of priority, to a point located 250 feet North and 1150 feet West from the Southeast Corner of said Section 28, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, for the entire right described above, being for irrigation of 0.8 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27; and for supplemental irrigation of 0.1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, 5.9 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, and 4.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, all within Township 36 South, Range 2 West, W.M.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

1/31, PUS

No objections having been filed and it appearing that the proposed changes 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 requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

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 under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment 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;

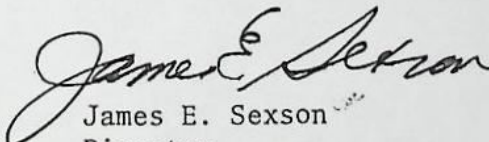
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

The balance of the water right described by the certificate recorded at page 8748, Volume 8, State Record of Water Right Certificates, was canceled by an order of the State Engineer, entered May 27, 1975, and recorded at page 336, Volume 25, Special Order Record; therefore,

It is FURTHER ORDERED that the certificate of water right recorded at page 8748, Volume 8, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 29th day of November, 1978.


James E. Sexson
Director

9116

STATE OF OREGON
COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This is to Certify, That Roy W. Nichols

of Central Point, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Jackson Creek

a tributary of Bear Creek for the purpose of Irrigation of 13.2 acres under Permit No. 9162 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 July 15, 1929;

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 0.20 cubic foot per second;

0.167
The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 56S, Range 2W, W.M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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 one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 8.3 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, 1.3 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, and 0.8 acre in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 36 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon.

+ 0.1	0.8 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$	
	Section 27	
+ 5.9	8.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$	- 2.1
4.3	2.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$	- 2.8
	Section 33	
	1.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$	- 1.3
	Section 34	
	T 36 S, R 2 W, W.M.	6.0

* Cancellation Sp Or Vol 25, page 336

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 9th day
of July, 1930

Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 8, page 8748

T-2844