

2701 Robert I. & Alana H.
City Hall
Ashland, Ore. 97532
HMYS

2701

STATUS OF APPLICATION

Change in Pt. of Diversion Place of use, & Use
Date filed Sept. 11, 1972
Date of hearing Feb. 1, 1973
Place of hearing Medford
Date of order 4-2-73 Vol. 23, page 52
Date for application of water October 1, 1973
Proof mailed
Proof received
Certificate issued JUN 28 1974 Vol. 32, page 40851
FEB 11 1975 33 41651

DESCRIPTION OF WATER RIGHT

Name of stream Ashland Creek
Trib. of County of Jackson
Use Irrigation
Quantity of water No. of acres 0.8
Name of ditch Helman ditch
Date of priority 1858
In name of George Irwin
Rogue River Adjudication, Vol. 4, page 12, col. 2
App. No. Per. No. Cert. No. 16018
Certificate cancelled
Notation made on record by

FEES PAID

| Date | Amount | Receipt No. |
|--------------|------------------------------------|-------------|
| 9-11-72 | 35.00 | 30603 |
| 9-11-72 | 40.00 P.O.N. | 30604 |
| TOTAL 1-9-73 | 89 Cutoff from P.O.N. Cert. Fee | |
| 6-7-74 | 2.11 | 40644 |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

REMARKS

See also T-2338
T-2390
T-2595

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

CANCELED

Superseded by

Cert. No. 40851Spec. Or. V. 23, p. 52

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That city of Ashland
~~George Irwin~~

of Ashland, State of Oregon, has a right to the use of

the waters of Ashland Creek, a tributary of Bear Creek.

for the purpose of ~~irrigation of 2.5 acres~~ Municipaland that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1858;that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ~~0.01~~ 0.022 cubic foot per second.DIV. PT.: SE 1/4 Sec. 20 T.39 S. R. 1 E. W. M. 100 ft. N & 10 ft. W from SE Cor. Sec. 20

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

2.5 acres in NW 1/4 SW 1/4
Section 4,
T. 39 S., R. 1 E., W. M. . T08 A. Tr. f
Spec. Vol. 23, p. 52Section4, 5, 8, 9, 10, 11, 14, 15, 16, 17, & 23T. 39 S. R. 1 E. W. M.This certificate is issued to confirm a change in use, place of use, & PT. of Div approved by an order of the State Engineer entered April 2, 1973, and Together with 40851 Vol. 32 supersedes certificate of water right heretofore issued to George Irwin and recorded at page 16018, Volume 13, State Record of Water Right Certificates.

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

on this 30 day of September, 1949.CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16018

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF HERBERT J. AND ALOHA H. HAYS)
FOR THE APPROVAL OF A CHANGE IN)
USE, PLACE OF USE, AND POINT OF)
DIVERSION OF WATER FROM ASHLAND)
CREEK)

ORDER APPROVING
TRANSFER NO. 2701

On September 11, 1972, Herbert J. and Aloha H. Hays filed an application in the office of the State Engineer for the approval of a change in use, place of use, and point of diversion of water from Ashland Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of George Irwin for the use of the waters of Ashland Creek for the irrigation of, among other lands, 0.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 39 South, Range 1 East, W.M., with a date of priority of 1858. This right is evidenced by certificate of water right recorded at page 16018, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Helman Ditch from a point of diversion located 200 feet South and 825 feet East from the NW corner of Section 9, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 39 South, Range 1 East, W.M.

The applicants herein, owners of the lands above described, propose to change the use from the irrigation of the above described lands to municipal purposes in the City of Ashland within Sections 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, and 23, Township 39 South, Range 1 East, W.M., and to change the point of diversion to a point to be located

100% COTTON FIBER

100 feet north and 10 feet west from the SE corner of Section 20, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 39 South, Range 1 East, 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 use, place of use, and point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on February 1, 1973, at 9:30 a.m. The notice was published in the Ashland Daily Tidings, a newspaper published and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of December 8, 15, and 22, 1972. 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 report to the effect that the proposed change in use, 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 use, 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 use and place of use is approved and the water right hereinbefore described as appurtenant to the irrigation of 0.8 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 39 South, Range 1 East, W.M., with a date of priority of 1858, be severed therefrom and simultaneously and without loss of priority transferred to municipal purposes in the City of Ashland within Sections 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, and 23, Township 39 South, Range 1 East, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Ashland Creek, to-wit:

From a point located 200 feet South and 825 feet East from the Northwest corner of Section 9, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 39 South, Range 1 East, W.M.

To a point to be located 100 feet North and 10 feet West from the SE corner of Section 20, being within the South $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 39 South, Range 1 East, W.M.

for municipal purposes in the City of Ashland within Sections 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, and 23, Township 39 South, Range 1 East, W.M., with a date of priority of 1858, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1973.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.022 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 George Irwin and recorded at page 16018, Volume 13, 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 completion of the authorized change in use, place of use, and point of diversion, a certificate of water right shall be issued to the City of Ashland confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 2nd day of April, 1973.

/s/ CHRIS L. WHEELER
State Engineer

OLD COUNCIL TREE
UNIONSKIN
100% COTTON FIBER

STATE OF OREGON, }
County of Jackson, } ss.

I, ... Doris Thompson, being first duly sworn, depose and say that I am the printer of the ASHLAND TIDINGS, a daily newspaper of general circulation, printed and published in Ashland, in the aforesaid county and state; that such newspaper is made up of at least four pages of five columns of at least 17 3/4 inches in depth, or if smaller pages, then comprising an equivalent amount of type matter; that said newspaper was regularly and uninterruptedly published for at least one year immediately proceeding the first publication of the attached notice, and has more than 200 bona fied subscribers within the county in which it is published; that the notice of which the one hereto attached is a true and correct copy, viz;

LEGAL NOTICES

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

Notice is given hereby that Herbert J. and Aloha H. Hays have filed an application for the approval of a change in use, place of use, and point of diversion of water from Ashland Creek.

In the Rogue River Adjudication proceedings, a water right was established in the name of George Irwin for the use of the waters of Ashland Creek for the irrigation of, among other lands, 0.8 acre in NW 1/4 SW 1/4, Section 4, Township 39 South, Range 1 East, W.M., with a date of priority of 1858. These lands are irrigated by means of the Helman Ditch from a point of diversion located 200 feet South and 825 feet East from the NW corner of Section 9, being within the NW 1/4 NW 1/4 of Section 4, Township 39 South, Range 1 East, W.M.

The application herein, owner of the lands above described, proposes to change the use from the irrigation of the above described lands to municipal purposes within the City of Ashland and to change the point of diversion to a point to be located 100 feet North and 10 feet West from the SE corner of Section 20, being within the S 1/2 SE 1/4 SE 1/4, Section 20, Township 39 South, Range 1 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on February 1, 1973, at 9:30 a.m. All objections to the proposed changes, 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 Herbert J. and Aloha H. Hays, City Hall, Ashland, Oregon 97520, 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 1st day of December, 1972.

CHRIS L. WHEELER

State Engineer

Publish: Dec. 8, 15, 22

was published in the regu
... three ... successiv
dated the ... 8th ... d
issue dated ... 22nd ...
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charitable purposes.

Subscribed and sworn

paper once a week for
beginning with the issue
... and ending with the
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legal rate was made for

Doris Thompson
of *Ashland* 19. 7. 2
...
Public for Oregon.
... 1. 2. 5. 7. 4. ...)

STATE OF OREGON, }
County of Jackson, } ss.

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was published in the regular and entire issue of said newspaper once a week for three successive and consecutive weeks, commencing with the issue dated the 8th day of December 19..... 72 and ending with the issue dated .. 22nd .. day of December 19..... 72

That the price actually charged for this notice was \$..... 39.11

That a reduction of \$..... none from the legal rate was made for charitable purposes.

Subscribed and sworn to before me this 30th day of December, 19..... 72

Doris Thompson
Notary Public for Oregon.

(My commission expires 1-2-5-74)