

2775

STATUS OF APPLICATION

Change in Pt. of Diversion, Place of Use, & Use  
Date filed MAR. 12, 1973  
Date of hearing May 21, 1973  
Place of hearing Medford, Ore.  
Date of order July 23, 1973 Vol. 23, page 283  
Date for application of water 10-1-79  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued MAR 5 1975 Vol. 33, page 41772

DESCRIPTION OF WATER RIGHT

Name of stream Ashland Creek  
Trib. of \_\_\_\_\_ County of Jackson  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 1 1/4  
Name of ditch Helman ditch  
Date of priority 1858  
In name of Martha J. Carter  
Rogue River Adjudication, Vol. 4, page 11 Col. 3  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 16002  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEEES PAID

Date	Amount	Receipt No.
<u>3-12-73</u>	<u>35.00</u>	<u>32816</u>
<u>3-12-73</u>	<u>40.00 P.O.N.</u>	<u>32817</u>
TOTAL . . .		
<u>5-15-73</u>	<u>89¢ Cert. Fee</u>	<u>from P.O.N.</u>
<u>2-13-75</u>	<u>.61</u>	<u>45243</u>

FEEES REFUNDED

Date	Amount	Check No.

REMARKS

Decree of Circuit Court dated Jan. 29, 1973 corrects description of place of use. See S.E. Records, Vol. 17, page 95.

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



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~Martha J. Carter~~ City of Ashland

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 1.4 acres, and Stock~~ Municipal

and 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 0.04 cubic foot per second.

DIV. PT. SE 1/4 Sec 20 T39S R1EWM - 100ft. N & 10ft. 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:

~~1.4 acres in NW 1/4 SW 1/4  
 Section 4,  
 T. 39 S., R. 1 E., W. M.,  
 being part of Helman D.L.C. No. 40,  
 said Township, Jackson County, Ore.~~

Sections4, 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 July 23, 1973, and supersedes certificate of water right heretofore issued to Martha J. Carter and recorded at page 16002, Volume 13, State Record of Water Right Certificates.

And said right shall be subject to all other conditions and limitations contained in said decree. 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 30 day of September, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16002



BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE )  
APPLICATION OF PARSONS PINE )  
PRODUCTS, INC., FOR THE APPROVAL )  
OF A CHANGE IN USE, PLACE OF USE, )  
AND POINT OF DIVERSION OF WATER )  
FROM ASHLAND CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2775

On March 12, 1973, Parsons Pine Products, Inc., 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 January 29, 1973, 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 Martha J. Carter for the use of the waters of Ashland Creek for stock use and the irrigation of 1.4 acres in SW $\frac{1}{4}$  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 16002, 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 625 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 feet north and 10 feet West from the SE corner of Section 20, being within the SE¼ SE¼ SE¼ 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 May 21, 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 March 26, April 2, and 9, 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 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 1.4 acres in SW¼ SW¼, 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 NW¼ NW¼ 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 ½ SE¼ SE¼ 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 0.04 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 Martha J. Carter and recorded at page 16002, Volume 13, State Record of Water Right Certificates, is canceled 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 23rd day of July, 1973.

/s/ CHRIS L. WHEELER  
State Engineer



**AFFIDAVIT OF PUBLICATION**

STATE OF OREGON,

County of Jackson,

} ss.

Doris Thompson

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;

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

Notice is given hereby that Parsons Pine Products has 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 Martha J. Carter for the use of the waters of Ashland Creek for the irrigation of 1.4 acre in SW 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 applicant 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 May 21, 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 Parsons Pine Products, 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 19th day of March, 1973.

CHRIS L. WHEELER  
State Engineer  
Publish: Mar. 26, Apr. 2, 9.

was published in the  
three successive  
dated the 26th  
issue dated 9th

That the price ad  
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charitable purposes.

Subscribed and s

newspaper once a week for  
commencing with the issue  
13, and ending with the  
19

was \$... 39.11  
the legal rate was made for

*Doris Thompson*  
day of *April*, 1973.  
notary Public for Oregon.  
(10-5-74)



# AFFIDAVIT OF PUBLICATION

STATE OF OREGON,

County of Jackson,

ss.

I, Doris Thompson

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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 26th day of March 1913, and ending with the issue dated 9th day of April 1913.

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 9th day of April, 1913.

Notary Public for Oregon.

(My commission expires 10-5-14)