

3101

STATUS OF APPLICATION

Change in Change in use & place of use
Date filed 7-24-74
Date of hearing June 29, 1978
Place of hearing Grants Pass
Date of order 6/30/78 Vol. 31, page 35
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. 51, page _____
FEB 18 1987
AUG 31 1987
See also R. 52223

DESCRIPTION OF WATER RIGHT

Name of stream Bear Creek
Trib. of _____ County of Josephine
Use irrigation
Quantity of water _____ No. of acres 2.0
Name of ditch _____
Date of priority _____
In name of E. D. Stephenson
Sucker Creek Adjudication, Vol. 5, page 398
App. No. _____ Per. No. _____ Cert. No. T-2505
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
7-24-74	40.00	42174
7-24-74	50.00 P.O.N.	42175
TOTAL . . .		
	Cert. Fee	

The Daily Courier \$51.94 5/30/78 ek #2257

FEES REFUNDED

Date	Amount	Check No.
Ex	15	
Dse	13.06 - short 199	
POU	10	
PON	51.94	
	90.00	

REMARKS

Hold pending f.p. return of T-2505 (Received 4-28-78 and put in T-2505)

INDEX CARDS:

	Entered	Checked
Name	sek	fy
Stream	sek	fy
Pt. of Div.		
Calendar	sek	
CHECKED TO RECORDS:		
Twp. & Rge.	fy	
Decree-vault	fy	
Decree-safe	fy	
Cert. of W/R	fy	
Per. Folder		
Chaindex		
Cross Ref.		
Power Claim	fy	
Abstracts		

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION OF)
CHARLES W. DAVID FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND USE OF)
WATER FROM BEAR CREEK _ _ _ _ _)

ORDER APPROVING
TRANSFER NO. 3101

On July 24, 1974, an application was filed in the office of the Water Resources Director by Charles W. David for approval of changes in place of use and in use heretofore made of water from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order dated May 23, 1973, approving transfer application No. 2505, a portion of the right previously described by the certificate recorded at Page 7155, Volume 7, State Record of Water Right Certificates, now exists for use of not to exceed 0.02 cubic foot per second from Bear Creek, with a priority date of 1855, for irrigation of a certain 0.2 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.8 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 39 South, Range 7 West, W. M.; and for the use of not to exceed 0.02 cubic foot of water per second from Bear Creek, with a priority date of 1857, for irrigation of a certain 1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 21.

The authorized point of diversion for said right is located 1050 feet South and 280 feet West from the NE Corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, being within the said SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21.

The applicant herein, owner of the lands above described, proposes to make the following changes, without loss of priority: (a) to sever the 1857 right from the 1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 21, and to irrigate, in lieu thereof, the said 0.2 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.8 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21; (b) to sever the 1855 right from the said 0.2 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.8 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, and to change the use theretofore made of the 0.02 cubic foot of water per second from irrigation to maintenance of a 5.46 acre-foot reservoir within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 21, for the purpose of fish culture.

Notice of the application, pursuant to ORS 540.510, was published in The Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of May 8, 15, and 22, 1978.

Mr. Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed changes in place of use and use heretofore made of water, may be made without injury to existing rights.

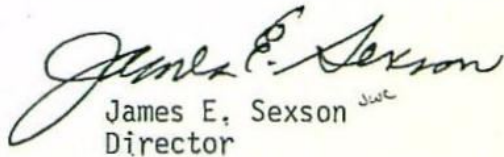
No objections having been filed and it appearing that the proposed changes in place of use and use heretofore made of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and use heretofore made of water, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered May 23, 1973, approving transfer application No. 2505, 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 30th day of June, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF JOSEPHINE

partial
 Cancelled-sp. or Rec. Vol. 14 p. 264

CERTIFICATE OF WATER RIGHT

This is to Certify, That Charles W. David
E. D. STEPHENSON (Successor in interest
 to E. H. Wise.)
 of 6220 Caves Highway, State of Oregon 97523 has a right to the use of
 the waters of Bear Creek trib Sucker Creek

for the purpose of Irrigation, ~~domestic and stock for Tract #1; Irrigation for Tracts~~
~~#2 and #3;~~
 and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Josephine County, and the said decree entered of record at Salem, in the Order
 Record of the STATE ENGINEER, in Volumes 1 & 5, at pages 254 & 398; that the priority
 of the right thereby confirmed dates from 1855 for Tract #1; 1857 for 1 sec. ft. of
 water for 50 acres and 1895 for 0.28 sec. ft. of water for 15 acres of Tract #2;
 1903 for Tract #3;

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 0.18
 second for Tract #1; 0.18 cubic foot per second for 50 acres and 0.28 cubic foot per
 second for 15 acres of Tract #2; 0.11 cubic foot per second for Tract #3;
 Div P4 SENW Sec 21 T39S R7W, 1050' S E 280' W from the NE cor SENW Sec 21

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:

Tract #1: 9 acres in the SE1/4 of Section 21, T. 39 S. R. 7 W. W. M.

Tract #2: 26 acres in the NE1/4, 18 acres in the SE1/4, 16 acres in the SW1/4,
Section 21, 5 acres in the NE1/4, Section 20, T. 39 S. R. 7 W. W. M., being a
 total of 63 acres; (1857 - 2.4)
(1895 - 0.16)

Tract #3: 9 acres in the NE1/4 of Section 21, T. 39 S. R. 7 W. W. M.

~~* cancelled~~

Tract #1

0.2 acre SWSW

8.8 acres SESW

Sec 21

T39S R7W WM

Ch. P. of Div. (182 acres Tract 1)
S. p. a. Vol. 13 p. 513 602 " " 2 (not 3A. in NW1/4 Sec 28)
Tract #2 92 " " 3

10.0 5.7 acres SENW
28.1 NESE
1.2 SESW
3.4 SWSW
4.9 SESW

Sec 21
T39S R7W WM

pt. of div & place of use

This certificate is issued to confirm a change in _____ approved by an order
 of the State Engineer entered May 23, 1973 together with cert _____, and supersedes certificate of water right
 heretofore issued to above and recorded at page 7155, Volume 7,
 State Record of Water Right Certificates.

RHEA LUPER

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 7, page 7155.

cat 6
be

STATE OF OREGON

COUNTY OF JOSEPHINE

Do w/R 52223
Partial T3101-4
Cancelled up to Rec Vol 14 p. 264

CERTIFICATE OF WATER RIGHT

CAROL J. DAVID

CHARLES W. DAVID

This is to Certify, That E. D. STEPHENSON (Successor in interest to E. H. Wiso.)
of Kerty Cave Junction, State of Oregon 97523 has a right to the use of
the waters of Bear Creek tr. b Regue River of 10 acres d

for the purpose of Irrigation, domestic and stock for Tract #1; Irrigation for Tracts #2 and #3; maintenance of reservoir for fish culture
and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Josephine County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 1 & 5, at page 254 & 598; that the priority of the right thereby confirmed dates from 1855 for Tract #1; 1857 for 1 sec. ft. of water for 50 acres and 1895 for 0.28 sec. ft. of water for 13 acres of Tract #2; 1908 for Tract #3; 1855 for 0.02 cfs and 1857 for 0.02 cfs for irrigation

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 0.36 cubic foot per second for Tract #1; 1 cubic foot per second for 50 acres and 0.28 cubic foot per second for 13 acres of Tract #2; 0.11 cubic foot per second for Tract #3;
0.04 cfs

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:

Tract #1: 10 acres in the NE 1/4 of Section 21, T. 39 S. R. 7 W. J. M.

Tract #2: 26 acres in the NE 1/4, 18 acres in the SE 1/4, 16 acres in the SW 1/4, Section 21, 5 acres in the NW 1/4, Section 20, T. 39 S. R. 7 W. J. M., being a total of 65 acres;

Tract #3: 9 acres in the NE 1/4 of Section 21, T. 39 S. R. 7 W. W. M.

Pop. dbsew 1 T39S R7W NW 1/4
1050's & 280 W from NE CV dbsew 21

0.2 acre + canceled
0.8 SW 1/4 SW 1/4
Fish Culture ac Sec 21
T39S R7W NW 1/4

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 June 30, 1978 and together with certificates of water right recorded on pages 43764 & 44877, Volumes 35 & 39, SRWRC supersedes certificate of water right recorded on page 7155, Volume 7, SRWRC.

The issuance etc

This certificate is issued so as to correctly describe the use of water & supersedes certificate of water right recorded at page 55698, Vol. 51 SRWRC

WITNESS the signature of the State Engineer,

affixed this 1st day

of April, 1978.

RHEA LUPER

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 7, page 7155

794D

56426
55698-3/01

LEGAL NOTICE

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3101

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Charles W. David for approval of changes in place of use and in use heretofore made of water from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order dated May 23, 1973, approving transfer application No. 2505, a portion of the right previously described by the certificate recorded at page 7155, Volume 7, State Record of Water Right Certificates, now exists for use of not to exceed 0.02 cubic foot per second from Bear Creek, with a priority date of 1855, for irrigation of a certain 0.2 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.8 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 21, T 39 S, R 7 W, WM.; and for the use of not to exceed 0.02 cfs from Bear Creek, with a priority date of 1857, for irrigation of a certain 1.0 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 21.

The authorized point of diversion for said right is located 1050 ft S and 280 ft W from the NE Corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 21, being within the said SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 21.

The applicant herein, owner of the lands above described, proposes to make the following changes, without loss of priority: (a) to sever the 1857 right from the 1.0 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec 21, and to irrigate, in lieu thereof, the said 0.2 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.8 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 21; (b) to sever the 1855 right from the said 0.2 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.8 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 21, and to change the use theretofore made of the 0.02 cfs from irrigation to maintenance of a 5.46 acre reservoir within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec 21, for the purpose of fish culture.

All persons interested are notified hereby that a hearing will be held at the country courthouse at Grants Pass, Oregon, on June 29, 1978, at 9:30 a.m. All objections to the proposed change, 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 Charles W. David, 6220 Caves Highway, Cave Junction, OR 97523; and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 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 WATER RESOURCES DIRECTOR WITHOUT A HEARING. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 2nd day of May, 1978.

James E. Sexson
Director

No. 73—Mon.—May 8 & 15 & 22, 1978

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 23 1978

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon }
County of Josephine } ss.

I, Charles J. Moore, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Grants Pass Daily Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the NOTICE OF WATER RIGHT TRANSFER APPLICATION, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues May 8, 15 & 22, 1978 ok
24

Subscribed and sworn to before me this 22nd day of

May, 19 78

Charles J. Moore

S. Kathleen Johnson
Notary Public of Oregon.

My commission expires 4th day of February, 19 80.