

2634 Kenneth H. & Laura Jones & Phillip E. & Luella M. Bryant  
437 Morton Street  
Ashland, Oregon 97520

2634

STATUS OF APPLICATION

Change in Pl. of Diversion Character of use  
Date filed April 25, 1972 Place of use  
Date of hearing July 24, 1972 9:30  
Place of hearing Medford  
Date of order Oct 19, 1972 Vol. 22, page 225  
Date for application of water 10-1-73  
Proof mailed  
Proof received  
Confirming Cert  
Certificate issued Vol. 30, page 38921

DESCRIPTION OF WATER RIGHT

Name of stream Ashland Creek  
Trib. of County of Jackson  
Use Irrigation  
Quantity of water No. of acres 17.9  
Name of ditch Smith-Myer, Rope ditch  
Date of priority 1864  
In name of H.B. & L.B. Sander  
Rogue River Adjudication, Vol. 4, page 12, col. 3  
App. No. Per. No. Cert. No. 16031 37660  
Certificate cancelled  
Notation made on record by

FEES PAID

Date	Amount	Receipt No.
<u>4-25-72</u>	<u>85.00</u>	<u>28179</u>
(50 <sup>00</sup> of this is Pub. of Not. - Journal transfer 5-12-72 sam)		
TOTAL . . .	<u>13</u>	
<u>6-27-72</u>	<u>\$1 Cert. Fee</u>	<u>From Pub. 7 Not.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>6-27-72</u>	<u>Only 55<sup>c</sup></u>	<u>4781</u>

REMARKS

For Remaining Right see Cert 38770 & 41652 See Vol 21 p 183 Test # 2341 V 22 p 95 also?

INDEX CARDS:		Entered	Checked
—	Name	—	—
—	Stream	—	—
✓	Pl. of Div.	—	—
—	Calendar	—	—
CHECKED TO RECORDS:			
✓	Typ. & Rge.	—	<u>WAC</u>
✓	Dam-site vault	<u>at</u>	<u>WAC</u>
✓	Decree-safe	<u>at</u>	<u>WAC</u>
✓	Cert. of W/R	<u>at</u>	<u>WAC</u>
—	Per. Folder	—	—
—	Chancindex	—	—
—	Cross Ref.	—	—
—	Power Claim	—	—
—	AGS Index	—	—



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY OF ASHLAND

of Ashland, State of Oregon, 97520, has a right  
to the use of the waters of  
Ashland Creek  
a tributary of Bear Creek for the purpose of  
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 1864

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 0.073 cubic foot per  
second

The point of diversion is located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, T. 39 S., R. 1 E., W. M.,  
100 feet North and 10 feet West from SE Corner, Section 20.

A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:

Sections

4, 5, 8, 9, 10, 11, 14, 15, 16, 17, and 23  
T. 39 S., R. 1 E., W. M.

This certificate is issued to confirm a change in use, place of use, and point of  
diversion approved by an order of the State Engineer entered July 14, 1972, and  
together with the certificates recorded at pages 38770 and 38771, Volume 30,  
supersedes certificate of water right heretofore issued to H. B. Sander and L. B.  
Sander, and recorded at page 37660, Volume 29, 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 date February 11, 1975

Chris L. Wheeler  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41652



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That KENNETH H. and LAURA JONES  
PHILLIP F. and LUELLA M. BRYANT

of 437 Morton Street, 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  
recreation

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 1864

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  
0.224 cubic foot per second

The point of diversion is located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5, T. 39 S., R. 1 E., W. M.,  
97 feet South and 70 feet West from NE Corner, Section 5.  
A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:

Recreation purposes in the Jones and Bryant Reservoir  
constructed under Permit No. R-5833, and located within:

SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 32  
T. 38 S., R. 1 E., W. M.

NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 5  
T. 39 S., R. 1 E., W. M.

Certificate of water right issued to H. B. Sander and L. B. Sander and recorded  
at page 37660, Volume 29, State Record of Water Right Certificates, confirms  
the right to the use of water for irrigation of 50.1 acres. A change in the  
right to the use of water appurtenant to 17.9 acres was approved by order of the  
State Engineer entered October 19, 1972. This certificate is issued to confirm T-2634  
the right to the use of water for recreation in Jones and Bryant Reservoir con-  
structed under permit number R-5833.

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 date January 11, 1973.

CHRIS L. WHEELER  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38771



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. B. SANDER and L. B. SANDER

of Ashland, State of Oregon, has a right  
to the use of the waters of Ashland Creeka tributary of Bear Creek for the purpose of  
irrigation of 26.4 acres  
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 1864;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  
0.334 cubic foot per secondThe point of diversion is located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, T. 39 S., R. 1 E., W. M.,  
(Smith-Myer, Roper ditch) 850 feet North and 300 feet West from SW Corner, \*  
A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:13.3 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 413.1 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 5  
T. 39 S., R. 1 E., W. M.Certificate of water right issued to H. B. Sander and L. B. Sander and recorded  
at page 37660, Volume 29, State Record of Water Right Certificates, confirms the  
right to the use of water for irrigation of 50.1 acres. A change in the right  
to the use of water appurtenant to 5.8 acres was approved by an order of the  
State Engineer entered July 14, 1972. A change in the right to the use of water  
appurtenant to 17.9 acres was also approved by order of the State Engineer  
entered October 19, 1972. This certificate is issued to confirm the remaining  
right to the use of water for irrigation and supersedes the certificate hereto-  
fore issued to H. B. Sander and L. B. Sander. 2041662

\* Million DLG 41.

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 date January 11, 1973.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38770



*Remaining rights issued together with T-2595*

# STATE OF OREGON

COUNTY OF

JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. B. SANDER and L. B. SANDER

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 50.1 acres 32.2 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 1864;

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 0.631 cubic foot per second.

0.407 ✓

The point of diversion is located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, T. 39 S., R. 1 E., W. M.

Diversion point located below:

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

T-2634

19.1 21.6 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 4 - 2 $\frac{1}{2}$

13.1 26.5 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 5 - 13 $\frac{1}{4}$

T. 39 S., R. 1 E., W. M.

2.0 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 32 - 2 $\frac{1}{2}$

0.224 cfs

Certificate of water right issued to H. B. Sander & L. B. Sander and recorded at page 37660, Volume 29, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 50.1 acres. A change in the right to the use of water appurtenant to 17.9 acres was approved by order of the State Engineer entered Oct. 19, 1972. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to H. B. Sander & L. B. Sander.

And said right shall be subject to all other conditions. 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 date September 20, 1971

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37660



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That *Kenneth H. & Laura Jones, and Phillip F. & Luella M. Bryant*of *437 Morton St. Ashland,* , State of Oregon , has a right  
to the use of the waters of Ashland Creeka tributary of Bear Creek for the purpose of  
recreationand 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 1864that 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 0.224 cubic foot per secondThe point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 5, T. 39 S., R. 1 E., W.M., being  
97 feet south and 70 feet west from the NE corner of Sec. 5.A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:Recreation purposes in the Jones and Bryant Reservoir  
constructed under Permit No. R.-5833, and located within:SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 32,

T. 38 S., R. 1 E., W.M.

NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 5,

T. 39 S., R. 1 E., W.M.

This certificate is issued to confirm a change in use, place of use, and point of diversion on

Certificate of water right issued to *A.B. Sander & L.B. Sander* and recorded at page *37660*,  
Volume *29*, State Record of Water Right Certificates, confirms the right to the use of  
water for irrigation of *50.1* acres. A change in the right to the use of water  
appurtenant to *17.9* acres was approved by order of the State Engineer entered *Oct 19*,  
19*72*. This certificate is issued to confirm the ~~remaining~~ right to the use of water ~~for~~  
~~irrigation and supersedes the certificate heretofore issued to~~  
*for recreation, according to the State Engineer's Order,*  
*in Jones & Bryant Reservoir const. under permit # R-5833*

this date

, 19 .

State Engineer

Recorded in State Record of Water Right Certificates, Volume

, page *38771*



BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF KENNETH H. AND LAURA JONES AND )  
PHILLIP F. AND LUELLA M. BRYANT )  
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. 2634

On April 25, 1972, Kenneth H. and Laura Jones and Phillip F. and Luella M. Bryant 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 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 names of H. B. and L. B. Sander for the use of the waters of Ashland Creek for the irrigation of, among other lands, 2.5 acres in W $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, and 13.4 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5, Township 39 South, Range 1 East, and 2.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, Township 38 South, Range 1 East, W.M., with a date of priority of 1864. This right is evidenced by certificate of water right recorded at page 37660, Volume 29, State Record of Water Right Certificates. These lands are irrigated by means of the Smith-Myer, Roper Ditch from a point of diversion located 850 feet North and 300 feet West from the SW corner of DLC No. 41 being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4, Township 39 South, Range 1 East, W.M.

The applicants herein, owners of the lands above described, propose to change the character of use to recreation purposes in the Jones and Bryant Reservoir constructed under Permit No. R-5833, and



located within the SE¼ SE¼ of Section 32, Township 38 South, Range 1 East, and NE¼ NE¼ of Section 5, Township 39 South, Range 1 East, and to divert the water for this purpose from a point of diversion to be located 97 feet South and 70 feet West from the NE corner of Section 5 being within the NE¼ NE¼ of Section 5, 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 July 24, 1972, at 9:30 a.m. The notice was published in the Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of May 22, 29, and June 5, 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 of water is approved and the water right hereinbefore described as appurtenant to 2.5 acres in W½ NW¼ NW¼, Section 4, 13.4 acres in NE¼ NE¼, Section 5, Township 39 South, Range 1 East, W.M., and 2.0 acres in SE¼ SE¼, Section 32, Township 38 South, Range 1 East, W.M., with a date of priority of 1864, be severed therefrom and simul-



taneously and without loss of priority transferred to recreation purposes in the Jones and Bryant Reservoir constructed under Permit No. R-5833, and located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, Township 38 South, Range 1 East and NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5, 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 850 feet North and 300 feet West from the SW corner of DLC No. 41 being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4, Township 39 South, Range 1 East, W.M.

To a point to be located 97 feet South and 70 feet West from the NE corner of Section 5 being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 5, Township 39 South, Range 1 East, W.M.

for the recreation purposes within the Jones and Bryant Reservoir constructed under Permit No. R-5833, and located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, Township 38 South, Range 1 East, and NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5, Township 39 South, Range 1 East, W.M., with a date of priority of 1864, 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 0.224 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 H. B. and L. B. Sander and recorded at page  
37660, Volume 29, 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 Kenneth H. and Laura  
Jones and Phillip F. and Luella M. Bryant confirming the extent to  
which the water has been applied beneficially and the change in point  
of diversion.

Dated at Salem, Oregon, this 19th day of October, 1972.

/s/ CHRIS L. WHEELER  
State Engineer



13 49516

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION  
OF KENNETH H. AND LAURA JONES AND  
PHILLIP F. AND LUELLA M. BRYANT  
FOR THE APPROVAL OF A CHANGE IN  
USE, PLACE OF USE, AND POINT OF  
DIVERSION OF WATER FROM ASHLAND  
CREEK

ORDER APPROVING  
TRANSFER NO. 2634

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On, April 25, 1972, Kenneth H. and Laura Jones and Phillip F. and Luella M. Bryant 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 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 names of H. B. and L. B. Sander for the use of the waters of Ashland Creek for the irrigation of, among other lands, 2.5 acres in W $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, and 13.4 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5, Township 39 South, Range 1 East, and 2.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, Township 38 South, Range 1 East, W. M., with a date of priority of 1864. This right is evidenced by certificate of water right recorded at page 37660, Volume 29, State Record of Water Right Certificates. These lands are irrigated by means of the Smith-Myer, Roper Ditch from a point of diversion located 850 feet North and 300 feet West from the SW corner of DIC No. 41 being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4, Township 39 South, Range 1 East, W. M.

The applicants herein, owners of the lands above described, propose to change the character of use to recreation purposes in the Jones and Bryant Reservoir <sup>constructed under Permit # R-5833, and '32</sup> located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section, Township 38 South, Range 1 East, and NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 5, Township 39 South, Range 1 East, and to divert the water for this purpose from a point of diversion to



(2)

be located 97 feet South and 70 feet West from the NE corner of Section 5 being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 5, 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 <sup>use,</sup> place of use and point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on July 24, 1972, at 9:30 a.m. The notice was published in the Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of May 22, 29, and June 5, 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 <sup>use,</sup> 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 <sup>use,</sup> 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 of water is approved and the water right hereinbefore described as appurtenant to 2.5 acres in W $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, 13.4 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5, Township 39 South, Range 1 East, W. M., and 2.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, Township 38 South, Range 1 East, W. M., with a date of priority of 1864, be severed therefrom and simultaneously and without loss of priority transferred to recreation purposes in the Jones and Bryant Reservoir <sup>constructed under Permit # R-5833, and</sup> located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, Township 38 South, Range 1 East and NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5, 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:



**AFFIDAVIT OF PUBLICATION**

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 Kenneth H. and Laura Jones, and Phillip F. and Luella M. Bryant 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 H.B. and L.B. Sander for the use of the waters of Ashland Creek for the irrigation of, among other lands, 2.0 acres in SE 1/4 SE 1/4, Section 32, Township 38 South, Range 1 East, W.M., and 2.5 acres in NW 1/4 NW 1/4, Section 4, Township 39 South, Range 1 East, W.M., with a date of priority of 1864.

These lands are irrigated by means of the Smith - Myer - Roper Ditch from a point of diversion located 850 feet North and 300 feet West from the Southwest corner of DLC No. 41, being within the NE 1/4 SW 1/4, 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 recreation purposes in the reservoir, within the SE 1/4 SE 1/4 of Section 32, Township 38 South, Range 1 East and in the NE 1/4 NE 1/4 of Section 5, Township 39 South, Range 1 East, W.M., and to change the point of diversion to a point to be located 97 feet South and 70 feet West from the NE corner of Section 5, being within the NE 1/4 NE 1/4 of Section 5, 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 July 24, 1972, 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 Kenneth M. and Laura Jones and Phillip F. and Luella M. Bryant, 437 Morton Street, Ashland, Oregon, 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 15th day of May, 1972.

CHRIS L. WHEELER  
State Engineer  
Publish: May 22, 30, June 5.

Dated at Salem, Oregon, this 15th day of May, 1972.

RECEIVED  
JUN 26 1972  
STATE ENGINEER  
SALEM OREGON

was published in the re  
...three...success  
dated the 22nd  
issue dated 5th

That the price act  
That a reduction of  
charitable purposes.

Subscribed and sw

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as \$..46.45.....  
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*Doris Thompson*  
day of June, 19.72  
on *Alison*  
tary Public for Oregon.  
...19.72...)



AFFIDAVIT OF PUBLICATION

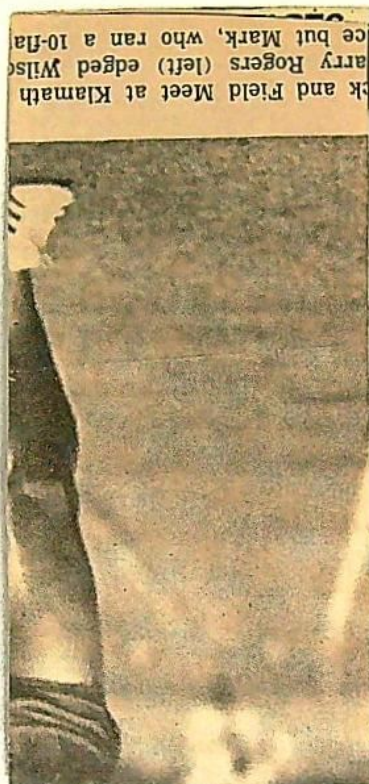
STATE OF OREGON,

ss.

County of Jackson,

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;



RECEIVED  
JUN 26 1972  
STATE ENGINEER  
SALEM OREGON

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 22nd day of May, 1972, and ending with the issue dated 5th day of June, 1972.

That the price actually charged for this notice was \$46.45.

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

Subscribed and sworn to before me this 5th day of June, 1972.

Notary Public for Oregon.

(My commission expires 10-5-74)



Superseded by

Cert. No. 37480

Trs. Sp. Or. 20.90

Trst. No. 2338

## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. B. Sander &amp; L. B. Sander

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 61 acres

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 1864;

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 0.77 cubic foot per second.

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:

29 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 4,  
30 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 5,  
T. 39 S., R. 1 E., W. M.

2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 32,  
T. 38 S., R. 1 E., W. M.

*Superseded*  
*By*  
*Cert # 37660*

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 16031