

2633 Leo J. & Marianne van Dijk
1609 Jackson Road
Ashland, Ore. 97520

2638

STATUS OF APPLICATION

Change in Point of Diversion
Date filed May 9, 1972
Date of hearing Sept 5, 1972
Place of hearing Medford
Date of order 4-9-73 Vol. 23, page 83
Date for application of water October 1, 1974
Proof mailed _____
Proof received _____
Certificate issued NOV 23 1976 Vol. 36, page 43973

DESCRIPTION OF WATER RIGHT

Name of stream Bear Creek
Trib. of Rogue River County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 12²
Name of ditch Eagle Mill ditch
Date of priority 1860
In name of John Arnold Edward L. & Ruth G. Crain
Rogue River Adjudication, Vol. 4, page 6 col. 2
App. No. _____ Per. No. _____ Cert. No. 15895 37367
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-9-72</u>	<u>25.00</u>	<u>28317</u>
<u>5-9-72</u>	<u>50.00 P.O.N.</u>	<u>28319</u>
<u>8-4-72</u>	<u>1.50 P.O.N.</u>	<u>20 Cent Rec - app 2639</u>
TOTAL . . .	<u>\$1.50</u>	
<u>8-4-72</u>	<u>\$1 Cert. Fee</u>	<u>From Pub. j. Not.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>8-4-72</u>	<u>\$1.78</u>	<u>Pub. j. Not</u>

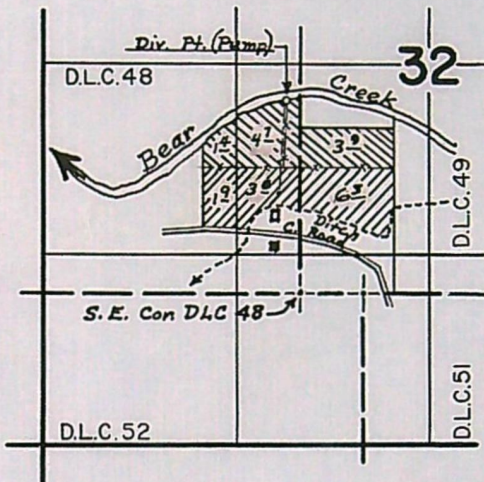
REMARKS

See also T-2639

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>WAC</u>	
<input checked="" type="checkbox"/>	Stream		<u>WAC</u>	
<input checked="" type="checkbox"/>	Pt. of Div.		<u>WAC</u>	
<input checked="" type="checkbox"/>	Calendar		<u>WAC</u>	
<input checked="" type="checkbox"/>	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 checked="" type="checkbox"/>	Per. Folder			
<input checked="" type="checkbox"/>	Chainindex			
<input checked="" type="checkbox"/>	Cross Ref.			
<input checked="" type="checkbox"/>	Power Claim			
<input checked="" type="checkbox"/>	Abstracts			

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1609 Jackson Road
Ashland, Ore. 97520

T.38S.R.IE.W.M.



Div. Pt. (Pump) is located 1335' N. of
95' W. from S.E. Cor. DLC 48.

FINAL PROOF SURVEY

UNDER

Transfer No. 2638 & 2639
Application No. _____ Permit No. _____
IN NAME OF _____

.....Leo J. & Marianne O. van Dijk.....

Surveyed Mar. 10 1976, by D.C. Hendrix.....

RECEIVED

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Leo J. and Marianne O. van Dijk
~~EDWARD L. and RUTH G. CRAIN~~

of 1609 Jackson Road, Ashland
 to the use of the waters of Bear Creek

, State of Oregon, has a right

a tributary of Rogue River for the purpose of
 irrigation of 12.0 acres ~~and domestic use~~
 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 1860;

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 0.15 cubic foot per
 second.

The point of diversion is located ~~in the~~ 1335 ft N & 95 ft W from the SE Corner of DLC 48,
~~being within the~~ NE¹/₄ SW¹/₄ of Sec 32, T 38 S, R 1 E, W M
 A description of the place of use under the right, and to which such right is appurtenant, is as
 follows:

3.8 ac NE¹/₄ SW¹/₄ as proj w/in DLC 48
 6.3
~~10.1~~ acres NE¹/₄ SW¹/₄ as proj w/in DLC 49
 1.9 acres NW¹/₄ SW¹/₄ as proj w/in DLC 48
 Section 32
 T. 38 S., R. 1 E., W. M.

This certificate is issued to confirm a change in pt of div approved by an order
 of the State Engineer entered April 9, 1973, and supersedes certificate of water
 right heretofore issued to above, and recorded at page 37367, Volume
29, State Record of Water Right Certificates.

WITNESS the signature of the State Engineer, affixed

this date February 26, 1971.

CHRIS L. WHEELER
 State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37367

AFFIDAVIT OF PUBLICATION

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

I,, 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 $\frac{3}{4}$ 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 preceding 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 NOTICE

NOTICE OF FILING
APPLICATION FOR A
CHANGE IN POINT
OF DIVERSION OF
WATER

Notice is given hereby that Leo J. and Marianne vanDijk have filed two applications for the approval of a change in point of diversion of water from Bear Creek.

Certificate of water right issued to John Arnold and recorded at page 37367, Volume 29, State Record of Water Right Certificates, confirms a right to the use of waters of Bear Creek, for the irrigation of 10.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 1.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 38 South, Range 1 East, W.M., with a date of priority of 1860.

Certificate of water right issued to Edward L. and Ruth G. Crain and recorded at page 37366, Volume 29, State Record of Water Right Certificates confirms a right to the use of waters of Bear Creek for the irrigation of 8.6 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 38 South, Range 1 East, W.M., with a date of priority of 1860. These lands are irrigated by means of the Eagle Mill Ditch at a point of diversion located 805 feet North and 1185 feet East from the South $\frac{1}{4}$ corner of Section 32, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 38 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of a pump to be located at a point of diversion of 1300 feet North and 210 feet West from the SE corner of Barrett DLC No. 48, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 38 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 September 5, 1972, 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 Leo J. and Marianne O. vanDijk, 1609 Jackson Road, 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 5th day of July, 1972.

CHRIS L. WHEELER
State Engineer
Publish: July 12, 19, 26

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issue dated 26th...
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Thompson
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(10-7-72...)

AFFIDAVIT OF PUBLICATION

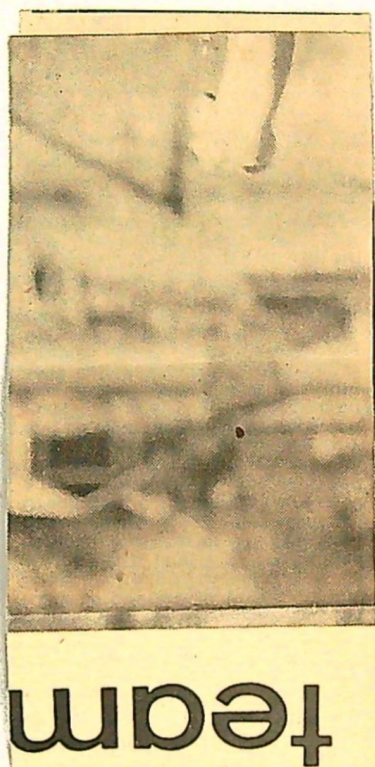
STATE OF OREGON, }

ss.

County of Jackson,

Doris Thompson

I,, 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 $\frac{3}{4}$ 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;



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 ...12th... day of ...July..., 19...72, and ending with the issue dated ...26th... day of ...July... 19...72...

That the price actually charged for this notice was \$..45..22.....

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

Subscribed and sworn to before me this 31st day of July, 1972

Notary Public for Oregon.

(My commission expires 10-5-74)

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF LEO J. AND MARIANNE O. VAN DIJK)
FOR THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM BEAR CREEK)

ORDER APPROVING
TRANSFER NO. 2638

On May 9, 1972, Leo J. and Marianne O. van Dijk filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 29, 1925, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the Rogue River and Its Tributaries, a water right was established in the name of Edward L. and Ruth G. Crain for the use of the waters of Bear Creek for the irrigation of 10.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 38 South, Range 1 East, W.M., with a date of priority of 1860. This right is evidenced by certificate recorded at page 37367, Volume 29, State Record of Water Right Certificates. These lands are irrigated by means of the Eagle Mill Ditch from a point of diversion located 805 feet North and 1185 feet East from the South quarter corner of Section 32 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 38 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands from a point of diversion to be located 1300 feet North and 210 feet West from the SE corner of DLC 48 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 38 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 point of diversion of water, if any there were, namely: at the county courthouse at Medford, Oregon, on September 5, 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 July 12, 19, and 26, 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 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 point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Bear Creek, to-wit:

From a point located 805 feet North and 1185 feet East from the South quarter corner of Section 32 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 38 South, Range 1 East, W.M.

To a point to be located 1300 feet North and 210 feet West from the SE corner of DLC 48 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 38 South, Range 1 East, W.M.

for the irrigation of 10.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 38 South, Range 1 East, W.M., with a date of priority of 1860, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1974.

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 and shall not exceed 0.15 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 Edward L. and Ruth G. Crain and recorded at page 37367, Volume 29, 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 point of diversion, a certificate of water right shall be issued to Leo J. and Marianne O. van Dijk confirming said change in point of diversion.

Dated at Salem, Oregon, this 9th day of April, 1973.

CHRIS L. WHEELER
State Engineer