

John M. Seidler
6220 Caves Hwy.
Caves Junction, Ore. 97523

2505

STATUS OF APPLICATION

Change in Point of Div. & Place of Use
Date filed March 29, 1971
Date of hearing _____
Place of hearing _____
Date of order May 23, 1973 Vol. 23, page 176
Date for application of water October 1, 1973
Proof mailed FEB 25 1977 MAR 1 1978
Proof received RR 10-18-76
Certificate issued NOV 17 1978 Vol. 35, page 43764
46877
11-1-78 TES

DESCRIPTION OF WATER RIGHT

Name of stream Bear Creek
Trib. of _____ County of Josephine
Use Irrigation
Quantity of water _____ No. of acres _____
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. 7155
Certificate cancelled _____
Notation made on record by slw

FEE PAID

Date	Amount	Receipt No.
<u>3-29-71</u>	<u>25.00</u>	<u>23076</u>
TOTAL		
<u>4-28-78</u>	<u>2</u> \$ Cert. Fee	<u>2572</u>

FEE REFUNDED

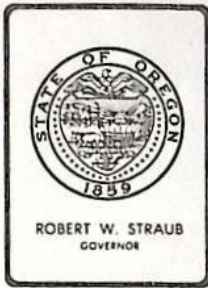
Date	Amount	Check No.

REMARKS

Proof sent Sept 28, 1976
rem cd sent 11-30-76
Proof sent 8/6/81 JDA
Cert to confirm change not to include 10 ac 1877 in NE SW, 0.2 ac in SW SW & 0.8 ac in SE SW
of 1855 involved in transf. appl. No. 3101

*
8-12-76 Charles W. David 6220 Caves Hwy. Caves Junction, OR 97523 Page 21, Volume 6

	INDEX CARDS:	
	Entered	Checked
TO BE ENTERED WHERE CHECKED		
Name	<u>✓</u>	
Stream	<u>✓</u>	
Pt. of Div.	<u>✓</u>	
Calendar	<u>✓</u>	
CHECKED TO RECORDS:		
Top & Pgs.	<u>✓</u>	
Decree-vault	<u>✓</u>	
Decree-safe	<u>✓</u>	
Cert. of W/R	<u>✓</u>	
Per. Folder		
Chaindex		
Cross Ref.		
Power Claim		
Abstracts		



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

May 2, 1978

The Daily Courier
P.O. Box 1468
Grants Pass, Oregon 97526

RE: File No. T-3101

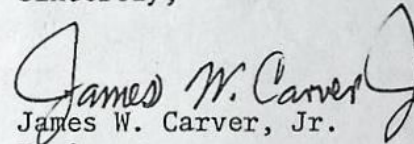
Gentlemen:

Enclosed is a notice for publication in the May 8, 15 and 22, 1978, issues of your newspaper.

If, for any reason, the notice cannot be published on the three dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

Sincerely,


James W. Carver, Jr.
Engineer

JWC:lcj
cc: Charles W. David
cc: Robert B. Steimer, Watermaster

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

RECEIVED
JUN 13 1973

STATE ENGINEER
SALEM, OREGON

Transfer No. 2505

I, John M. Seidler, hereby certify that
on (since) June 15, 1971, the water has been applied to the
lands to which the water right was transferred by an order of the State
Engineer dated May 23, 1973, approving an application for a
change in place of use of water from Bear Creek.

6/8/73
Date


Signature

RECEIVED
JUN 13 1973
STATE ENGINEER
SALEM, OREGON

Transfer No. 2505

NOTICE OF COMPLETION OF CONSTRUCTION

I, John M. Seidler, hereby certify
that the construction work has been completed and the change in
point of diversion of water made as set forth in the order of
the State Engineer dated May 23, 1973, approving an appli-
cation for a change in point of diversion of water from _____
Bear Creek.

June 8 1973
Date

John M. Seidler
Name

-  -PRIORITY 1857 ,
-PRIORITY 1855 ,
-PRIORITY 1855 OUT, 1857 IN , TRANS. 3101

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF JOHN M. SEIDLER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
AND PLACE OF USE OF WATER FROM)
BEAR CREEK)

ORDER APPROVING
TRANSFER NO. 2505

On April 13, 1971, John M. Seidler filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decrees of the Circuit Court for Josephine County, Oregon, entered May 27, 1913 and May 25, 1923, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Sucker Creek, a water right was established in the name of E. D. Stephenson for the use of waters of Bear Creek for the irrigation of, among other lands, 9.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, with a date of priority of 1855, 26.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 18.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, with a date of priority of 1857, 12.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, with a date of priority of 1895 and 9.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, with a date of priority of 1908, all in Section 21, Township 39 South, Range 7 West, W.M.

These lands are irrigated from two points of diversion located 40 feet South and 40 feet West and 1050 feet South and 230 feet West from the NE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 39 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom without loss of priority, to 12.7 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 31.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.4 acres in

the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ with a date of priority of 1857, 9.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, with a date of priority of 1855, 7.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, with a date of priority of 1895 and 9.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, with a date of priority of 1908 and irrigate these lands from a point of diversion to be located 1050 feet South and 230 feet West from the NE corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, being within the SE, NW $\frac{1}{4}$ of Section 21, Township 39 South, Range 7 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water or point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in 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 place of use of water is approved and the water right hereinbefore described as appurtenant to 9.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, with a date of priority of 1855, 26.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 18.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, with a date of priority of 1857, 12.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, with a date of priority of 1895 and 9.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, with a date of priority of 1908, all in Section 21, Township 39 South, Range 7 West, W.M., be severed therefrom and simultaneously and without loss of priority transferred to 12.7 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 31.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, with

a date of priority of 1857, 9.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, with a date of priority of 1855, 7.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, with a date of priority of 1895 and 9.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, with a date of priority of 1908.

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

From a point located 40 feet South and 40 feet West from the NE corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$ being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 39 South, Range 7 West, W.M.

To a point located 1050 feet South and 230 feet West from the NE corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$ being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 39 South, Range 7 West, W.M.

for the irrigation of 12.7 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 31.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ with a date of priority of 1857, 9.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, with a date of priority of 1855, 7.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, with a date of priority of 1895 and 9.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, with a date of priority of 1908, 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 0.18 cubic foot per second with a date of priority of 1855, and 0.952 cubic foot per second with a date of priority of 1857, and 0.268 cubic foot per second with a date of priority of 1895 and 0.11 cubic foot per second with a date of priority of 1908.

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.

The certificate recorded at page 7155, Volume 7, State Record of Water Right Certificates, issued confirming the right herein described and including lands not involved in this proceeding, was canceled by an order of the State Engineer entered October 20, 1964, approving a prior change in point of diversion. The right to the use of water for irrigation of 2.4 acres with a date of priority of 1857 and 0.6 acre with a date of priority of 1895 was canceled by an order of the State Engineer entered August 25, 1965. The right to the use of water for domestic purposes was canceled by an order of the State Engineer entered June 11, 1971.

It is FURTHER ORDERED that no certificate be issued as provided by the order entered October 20, 1964 and in lieu thereof a certificate be issued to Twyla Salvage confirming the change in point of diversion for the irrigation of 9.0 acres in the SE¼ NW¼, Section 21, Township 39 South, Range 7 West, W.M., approved by the order entered October 20, 1964.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water is transferred hereby, a certificate of water right will be issued to John M. Seidler confirming this.

Dated at Salem, Oregon, this 23rd day of May, 1973.

/s/ CHRIS L. WHEELER
State Engineer

Permit No. _____

Transfer No. T-2505

County Josephine

PROOF OF APPROPRIATION OF WATER

1. Name Charles W. David 2. Address 6220 Caves Hwy. Cave Junction,
OR 97523
3. Source of Supply Bear Creek
- Tributary of Sucker Creek
4. Amount of water 0.18 c.f.s. for- Tract 1 5. Priority date 1855 Tract No. 1
0.952 c.f.s. for- Tract 2 1857 Tract No. 2
6. Use the irrigation of 56.6 acres
7. Location of point of diversion SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, T. 39 S., R. 7 W., W. M.,
1050 feet South and 280 feet West from the NE Corner, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21

8. The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

Tract No. 1
0.2 acre SW $\frac{1}{4}$ SW $\frac{1}{4}$
8.8 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 21
T. 39 S., R. 7 W., W. M.

Tract No. 2
10.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
28.1 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
1.2 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
3.4 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
4.9 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 21
T. 39 S., R. 7 W., W. M.

RECEIVED

APR 28 1978

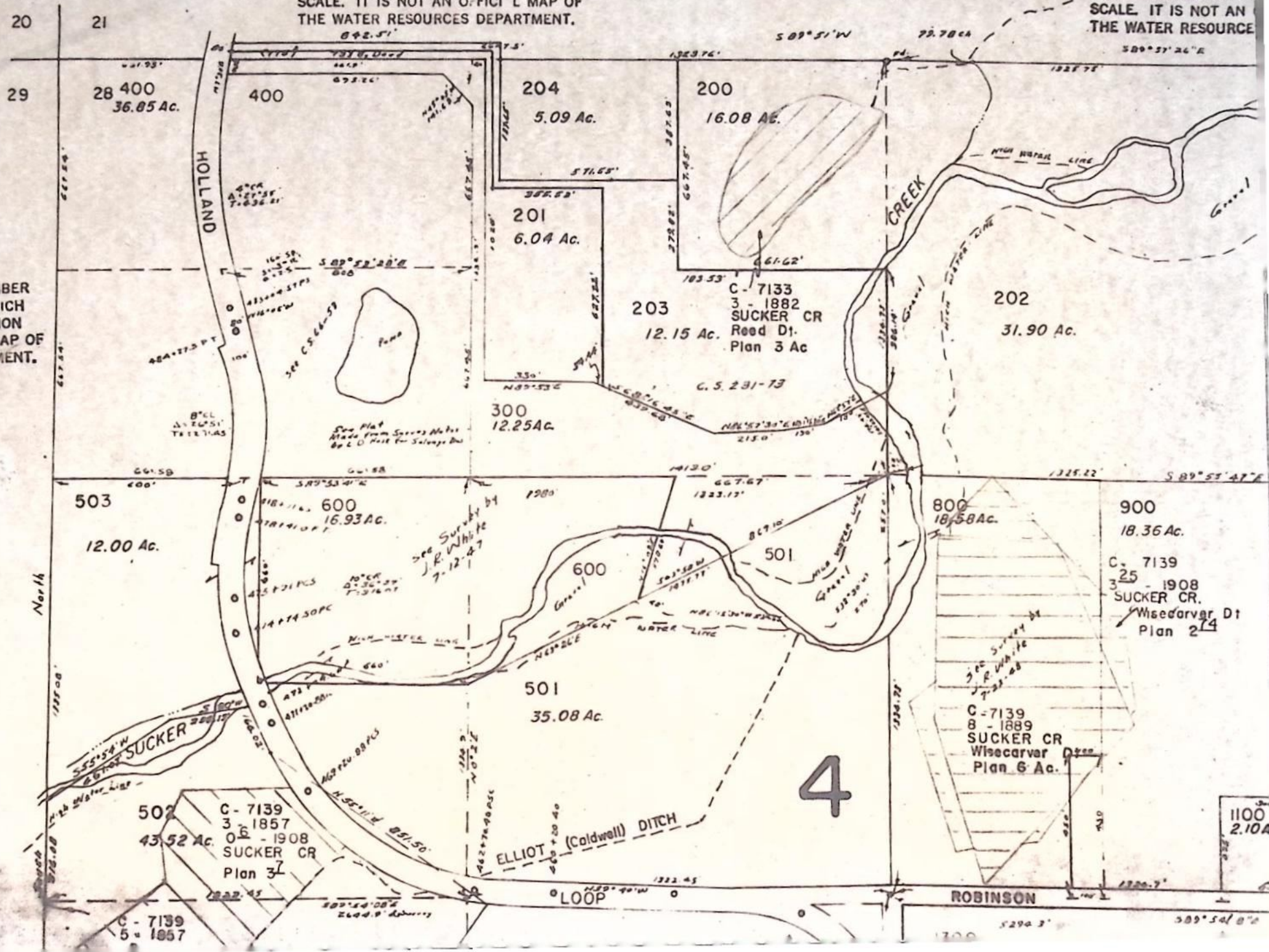
WATER RESOURCES DEPT
SALEM, OREGON

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of April
19 78.

Charles W. David
Legal Owner of the above described lands

THIS MAP IS MADE UP
OF MAPS OF VARIOUS
HAVE BEEN ALTERED TO
SCALE. IT IS NOT AN
THE WATER RESOURCE

SEE MAP 39 7 21



DE UP OF A NUMBER
IOUS SCALES WHICH
ERED TO A COMMON
T AN OFFICIAL MAP OF
OURCES DEPARTMENT.

APR 39 7 29

CHANGE IN POINT OF DIVERSION AND PLACE OF USE

REPORT ON INSPECTION UNDER TRANSFER OF WATER RIGHT FOR

Transfer 3101

1st ac. 1855 to Reservoir.
1st ac 1857 to replace 1855
irrig.

Transfer No. 2505

County Josephine

1. Name CHARLES W. DAVID Address 6220 Caves Hwy. Cave Junction, OR 97523

2. Source of Supply Bear Cr., Trib. of SUCKER CR.

3. Amount of Water 0.78 cfs Priority Date 0.952 cfs 1857
0.18 cfs 1855

4. Use irrigation OF 56⁹/₃₆ A

5. Proposed Point of Diversion change in point of diversion and place of use
point of diversion located 1050 feet S. and 280 feet W. from the NE. Corner of SE $\frac{1}{4}$
NW $\frac{1}{4}$, Sec. 21, being within the SE, NW $\frac{1}{4}$ of Section 21, T. 39 S., R. 7 W., W.M.

6. Place of Use Date for application of water 10/1/73

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
39 S	7 W	21	SE $\frac{1}{4}$ NW $\frac{1}{4}$	irrigation	12.7 a.
"	"	"	NE $\frac{1}{4}$ SW $\frac{1}{4}$	"	31.0 a.
"	"	"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	"	2.4 a.
"	"	"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	"	1.5 a.
"	"	"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	"	9.0 a. 1855
"	"	"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	"	7.6 a. 1875
"	"	"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	"	4.8 a. 12
"	"	"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	"	9.0 a. 1908

Sucker Creek

Copies to:

C. DAVID
6220 CAVES HWY
CAVE JCT, ORE 97523

REF 2505

406 00.122

"C" Form Filed

PTS 1975-4
S-25-77 WMT

PTS 1975-4
S-25-77 WMT

INFO - C. DAVID (NEW OWNER) - HE SHOWED US BOUNDARY OF IRRIGATION
AND DIV. ON BEAR CREEK

DIV. - SMALL ROCK DAM IN CREEK FORMS POOL.
PUMPED OUT OF POOL

PUMP - CENTURY DOL 2 1/2 x 2 } Rated 250 gpm @ 160' H₀
MOTOR - CENTURY 15 H.P. @ 3500 RPM }

PIPE - 2280' 5" PVC Buried MAIN
2440' 3" ALUM PIPE USED FOR LATER.
2000' 3/4" PLASTIC PIPE DOWN EACH ROW OF THE GRAPES (3200 grape plants)
3/4" PLASTIC EXTRA

HEADS - 61 - RB 30 3/16 x 3/32 (45 HEAD OF 5 HDS + 3200 EMITTER MAX)
3200 - 2 gph EMITTERS IN GRAPES

USE - PASTURE, HAY, BARLEY, WINE GRAPES

LIFT - +25 to -60' (MOST OF HARD IS BELOW DIV)

TIE - BEARING TAG #1 120.2' S 33° E TO COR } cor should be
BEARING TAG #2 135' N 80° E TO COR } cor in middle of field but nothing there

NOTE: MR. DAVID HAS FILED A ~~TRANSFER~~ TRANSFER TO COVER
HIS RESERVOIR. DIV FOR RES. IS SAME AS FOR ~~THE~~ THIS TRANSFER.
BUT WATER GOES BY DITCH TO RES. LAND WHERE RES. IS NOW,
WAS IRRIGATED BEFORE RES. ~~HAS~~ HAS FISH STOCKED IN POND AND SOME DUCKS.

LAND SOUTH OF ROAD IS NOT OWNED BY MR. DAVID. HAS NOT BEEN
IRRIGATED FOR 2 YEARS SAID MR. DAVID. COULD NOT GET WATER
AS MR. SIEDLER HAD PLANNED BECAUSE MAINLINE STOPS NORTH
OF ROAD. THIS LAND IS MOSTLY BRUSH AND SMALL PINE TREES.
MUCH WORK WOULD HAVE TO BE DONE BEFORE BENEFICIAL USE
OK.

ON RE-CHECK

INCLUDED FOUR AREAS THAT HAD BEEN
IRRI. BY DAVID PREDECESSOR. DAVID
IS NOW IRRIGATING THESE FIELDS ALSO.

SYSTEM STILL THE SAME EXCEPT
HE ALSO HAS A IRRI. GUN RATE
AT 23,000 gph. DID SURVEY ON
PTS 1975-U.

Larry Toll
FE
5/6/75

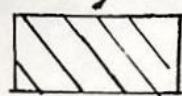
Larry Toll
FE
5/25/77

T39S, R.7W.

New Pump Diversion Point and Plan of Use

⊙ Pump Diversion Point, 1050'
south and 230' west of
N.E. corner of S.E. 1/4 of
N.W. 1/4. (formerly Allen Ditch
Diversion Point).

Buried 5" sprinkler
mainline



1855 priority



1895 priority

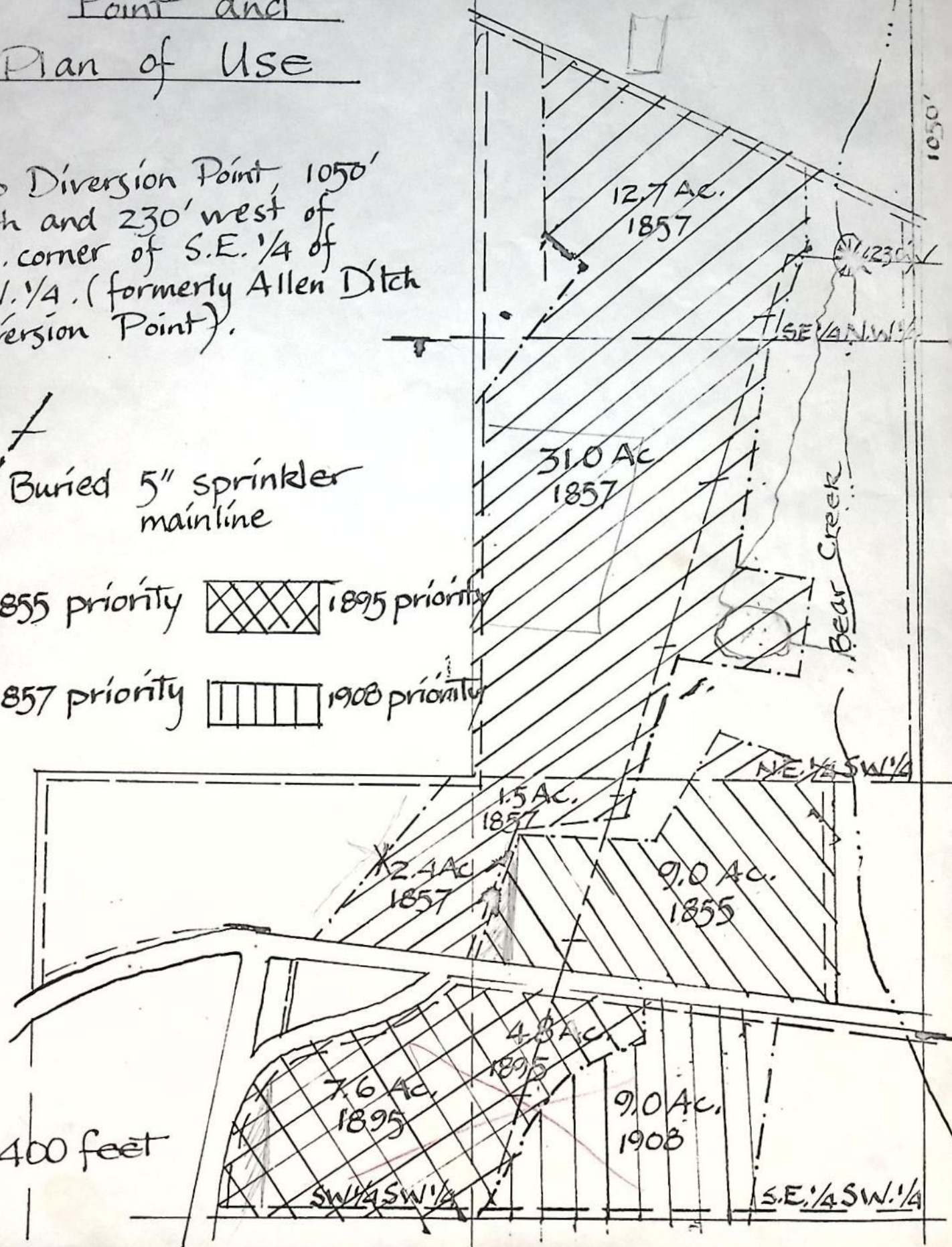


1857 priority

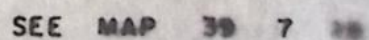


1908 priority

1 inch = 400 feet



20	21
29	28



4



WATER RESOURCES DEPARTMENT

714 N.W. "A" STREET • GRANTS PASS, OR • 97526 • Phone 476-8201, Ext. 247

ROBERT W. STRAUB
GOVERNOR

March 28, 1977

JAMES E. SEXSON
Director

WATER POLICY REVIEW
BOARD

EMERY N. CASTLE
Chairman
Corvallis

CHAPIN D. CLARK
Vice Chairman
Eugene

GEORGE H. PROCTOR
Klamath Falls

ANN W. SQUIER
Portland

RICHARD ROY
Portland

JAMES HILL
Arch Cape

JEAN FROST
Portland

Water Resources Department
1178 Chemeketa St., N. E.,
Salem, Oregon 97310

Att: Tom Shook

Dear Tom:

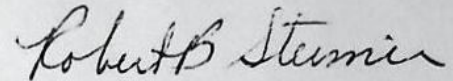
This letter is in answer to your letter of March 10, file T-2505 which is appurtenant to the Charles David place located in Section 21 of Township 39 South, Range 7 West.

I was out to the place Friday and think that probably you should run a re-survey on this thing for a couple of reasons. The area in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ which was cut out as a wet spot is right smack in the middle of the pasture now and contains no wet spot whatsoever. I think it has always been irrigated. The area in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ looks as though part of this was left out in the north-western part of the field. I find that all the area around the house is being irrigated except for a very narrow driveway which is gravel and where the barn and house sit. The area to the east of the barn is being irrigated, as is the area outside the vinyard fence, which is used as a pasture area and I'm not sure it was included. There is also another field being irrigated in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ on the east side of Bear Creek and although not asked for on the application map, these people seem to think it is a part of that 31 acres in that forty which probably could be allowed.

Tom Shook
March 28, 1977
Page 2

I am enclosing a copy of an aerial photo as you requested and will outline the portions which I think are irrigated.

Very truly yours,

A handwritten signature in cursive script that reads "Robert B. Steimer". The signature is written in dark ink and is positioned above the typed name.

Robert B. Steimer
Watermaster, Dist. #14

RBS:dc
Enclosure



WATER RESOURCES DEPARTMENT

RECEIVED
MAR 30 1977
WATER RESOURCES DEPT
SALEM, OREGON

714 N.W. "A" STREET • GRANTS PASS, OR • 97526 • Phone 476-8201, Ext. 247

ROBERT W. STRAUB
GOVERNOR

March 28, 1977

JAMES E. SEXSON
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ANN W. SQUIER
Portland

RICHARD ROY
Portland

JAMES HILL
Arch Cape

JEAN FROST
Portland

Water Resources Department
1178 Chemeketa St., N. E.,
Salem, Oregon 97310

Att: Tom Shook

Dear Tom:

This letter is in answer to your letter of March 10, file T-2505 which is appurtenant to the Charles David place located in Section 21 of Township 39 South, Range 7 West.

I was out to the place Friday and think that probably you should run a re-survey on this thing for a couple of reasons. The area in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ which was cut out as a wet spot is right smack in the middle of the pasture now and contains no wet spot whatsoever. I think it has always been irrigated. The area in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ looks as though part of this was left out in the north-western part of the field. I find that all the area around the house is being irrigated except for a very narrow driveway which is gravel and where the barn and house sit. The area to the east of the barn is being irrigated, as is the area outside the vinyard fence, which is used as a pasture area and I'm not sure it was included. There is also another field being irrigated in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ on the east side of Bear Creek and although not asked for on the application map, these people seem to think it is a part of that 31 acres in that forty which probably could be allowed.

Tom Shook
March 28, 1977
Page 2

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Very truly yours,

Robert B. Steimer

Robert B. Steimer
Watermaster, Dist. #14

RBS:dc
Enclosure



SEC. 21 T39S. R7W.
FL. NO. 8-9 DATE 6-8-75
SECTION CORNER
LOCATIONS ARE APPROXIMATE

WATER RESOURCES DEPT.
SALT LAKE CITY, UTAH

STATE OF OREGON

INTEROFFICE MEMO

TO: Bob Steimer, Watermaster

DATE: March 10, 1977

FROM: Thomas E. Shook

SUBJECT: File T-2505

As you are aware, the David's have questioned our findings of the final proof inspection made by Larry Toll made on May 6, 1975. I understand you have ariel photos of the area in question. If so, perhaps you could make a copy of Section 21 and send it to us at your convenience. I am sure you have plenty to do, but if you happen to be out by David's place, I would like for you to look at the North end of their property to see if the area irrigated appears to be how our final proof shows it or more like the map that Mr. Seidler submitted to support his transfer application.

If a final proof inspection is required, I understand Larry will be in Grants Pass later this summer and he will be able to resurvey the project.

Any help in this matter will be appreciated.

Thanks.

December 14, 1976

Thomas E. Shook, Water Rights Engineer
Water Resources Department
1178 Chemeketa Street N.E.
Salem, Oregon 97310

Re: Transfer No. 2505

Dear Mr. Shook:

We regret that we find your "Proof of Appropriation of Water" form, recently mailed to us along with your cover letter dated September 28, 1976, to be incorrect according to the "Order approving Transfer No. 2505 by Chris Wheeler, prior surveys of the water rights recorded on the land as well as our physical use of the appropriation of water.

It is our understanding that state survey must be made within one year of approval of the transfer being May 23 1973. This was not accomplished. However, we do ask that a corrected survey be made at this time under the surveillance of the owners to establish the correct boundaries. May we hear from your office after February 1, 1977 at which time we will be available to assist you.

Yours very truly,

Mr. & Mrs. Charles W. David

Mr. & Mrs. Charles W. David
Bear Creek Ranch
6220 Caves Hwy
Cave Junction, Oregon 97523

592
3727

P.S. Our records show the incorrect survey was made by Larry Toll on May 3, 1975.

CC: Robert Steimer, Watermaster
Grants Pass, Oregon

RECEIVED
DEC 16 1976
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

SEP 19 1973

STATE ENGINEER
SALEM, OREGON

September 17, 1973

Chris L. Wheeler
State Engineer
1178 Chemeketa Street N.E.
Salem, Oregon 97310

Attention: Jerry Jabusic

Re: Order Approving Transfer #2505
Application of John M. Seidler for the approval of a
change in point of diversion and place of use of water
from Bear Creek (as written by Jerry Jabusic).

Dear Sirs:

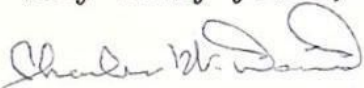
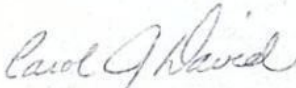
As potential buyers of the above mentioned property, we
would like to submit for your approval, prior to a formal
petition, an amendment on the 1855 water rights.

We wish to convert a portion of approximately 1/2 acre,
(i.e. 4-1/2 gal. per min) from irrigation use to maintenance
of a one surface acre reservoir and with Mr. Seidler's
approval, endeavor to complete the change before, on or
after the date of purchase.

Upon hearing that this meets with your approval, we will
then proceed to formally file for a reservoir permit with
a new water right for a non-consumptive use on the
reservoir.

We anxiously await your reply and are,

Very truly yours,

Charles W. and Carol J. David
14 Bowie Road
Rolling Hills, California 90274

CC: John M. Seidler
P.O. Box 378
Cave Junction, Oregon 97523
CC: Water Master's Office - Attn: Bea Campbell
714 N.W. "A" Street
Grants Pass, Oregon

*Trsf 2505
Sp. Or. Vol. 23 p. 176*

DONALD F. MYRICK
DONALD H. COULTER
CHARLES H. SEAGRAVES, JR.
OSCAR R. NEALY

MYRICK, COULTER, SEAGRAVES & NEALY
ATTORNEYS AT LAW
SIX HUNDRED NORTHWEST FIFTH STREET
GRANTS PASS, OREGON 97526

TELEPHONE 476-6627
AREA CODE 503
Post Office Box 1330

April 16, 1973

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APR 17 1973
STATE ENGINEER
SALEM OREGON

State Engineer
Water Resources Dept.
1178 Chemeketa Street N.E.
Salem, Oregon 97310

Attn: Mr. Larry W. Jebousek
Assistant

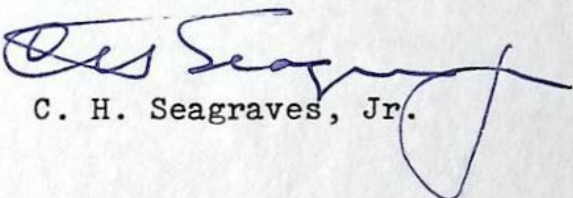
Re: John M. Seidler
File No. T-2505
S-165

Dear Mr. Jebousek:

Mr. Seidler has asked me to make inquiry as to his transfer application #T-2505. He indicates that he has been waiting for some documentation approving this application, so that before he gets into this year's irrigation season he can be assured of the rights he has. I am enclosing copies of two of your last letters on this matter, to help identify the file.

Please advise as to whether there is any further action that needs to be taken on our part, and when we might expect completion of this matter.

Very truly yours,


C. H. Seagraves, Jr.

CHS/mc

Encls.



**STATE
ENGINEER**

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APR 6 1973
STATE ENGINEER
SALEM, OREGON

WATER RESOURCES DEPARTMENT

714 N.W. "A" STREET • GRANTS PASS, OREGON • 97526 • Phone 476-6828

TOM McCALL
GOVERNOR

April 4, 1973

FILE NO.

CHRIS L. WHEELER
State Engineer

Chris L. Wheeler
State Engineer
Salem, Oregon

Att: Trevor Jones, Asst.

Dear Trevor:

Mr. Seidler, file 2505, filed a change in place of use and point of diversion with you a couple of years ago.

We have a new owner in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 39 South, Range 7 West. Mr. Williams, the new owner would like to change the point of diversion of the water rights which are appurtenant to his property. I am having some difficulty in determining exactly what has taken place thus far. If you could send me a listing of the water rights appurtenant to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ south of the highway I will relay the information to Mr. Williams so that he may make his application for a change in point of diversion.

Very truly yours,

Robert B. Steimer

Robert B. Steimer
Watermaster, Dist. #14

RBS:dc

T-2505

June 11, 1971

John M. Seidler
6220 Caves Hwy.
Cave Junction, Oregon 97523

Dear Mr. Seidler:

This will acknowledge receipt of an affidavit of abandonment to cancel that part of certificate 7155 for domestic use.

Your transfer application No. T-2505 is now in satisfactory form and the appropriate action will soon be taken.

Very truly yours,

LARRY W. JEBOUSEK
Assistant

LWJ:klh

T-2505

May 6, 1971

John M. Seidler
6220 Caves Hwy.
Cave Junction, Oregon 97523

Dear Mr. Seidler:

Certificate 7155 includes the use of water from Bear Creek for domestic and stock purposes. Our watermaster has reported that stock water is still being used but the domestic use has been abandoned.

Enclosed is the affidavit of abandonment which will clear our records of that part of certificate 7155 describing the domestic use.

Upon receipt of the properly executed affidavit of abandonment, we will proceed toward the approval of your transfer application.

Very truly yours,

LARRY W. JEBOUSEK
Assistant

LWJ:klc
Enclosure



**STATE
ENGINEER**

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MAY 2 1971
STATE ENGINEER
SALEM OREGON

WATER RESOURCES DEPARTMENT

714 N.W. "A" STREET • GRANTS PASS, OREGON • 97526 • Phone 476-6828

TOM McCALL
GOVERNOR

April 29, 1971

FILE NO. 2505

CHRIS L. WHEELER
State Engineer

Chris L. Wheeler
State Engineer
Salem, Oregon

Att: L. W. Jebousek, Asst.

Dear Larry:

In answer to your letter of April 23 concerning the John M. Seidler application for the use of water from Bear Creek, in my opinion these changes may be made without injury to existing rights.

The stock use portion of this water right is still being used but I believe the domestic use is not.

I recommend that pumping provision #2 be incorporated in the order.

Very truly yours,

Robert B. Steimer
Watermaster, Dist. #14

RBS:dc

April 23, 1971

2505

Mr. Robert B. Steimer
Watermaster District No. 14
714 N.W. "A" Street
Grants Pass, Oregon 97526

Dear Mr. Steimer:

John M. Seidler filed an application for a change in point of diversion and place of use of water from Bear Creek.

The right involved was established in the Sucker Creek Adjudication proceedings in the name of E. D. Stephenson and is for the use of waters from Bear Creek for the irrigation of 47.6 acres.

Enclosed is a copy of the transfer application and map showing the proposed changes.

This right included domestic and stock uses. Are these uses still being made from Bear Creek? Would you please advise if the proposed changes may be made without injury to existing rights and which provision for the installation of measuring devices should be included in the order?

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:slv

Enclosures

T-2505
S-165

April 22, 1971

John M. Seidler
6220 Caves Hwy.
Cave Junction, Oregon 97523

Dear Mr. Seidler:

This will acknowledge the return of your transfer application No. 2505, a superseding application separately designating the priority date by forty and the maps.

This application is now in satisfactory form and the appropriate action will soon be taken.

Very truly yours,

LARRY W. JEBOUSEK
Assistant

LWJ:klc

RECEIVED
APR 13 1971
STATE ENGINEER
SALEM, OREGON

John M. Seidler
6220 Caves Hwy.
Cave Junction, Oregon 97523

April 12, 1971

State Engineer, Water Resources Department
1178 Chemeketa St. N.E.
Salem, Oregon 97310
Attn: Mr. Jebousek

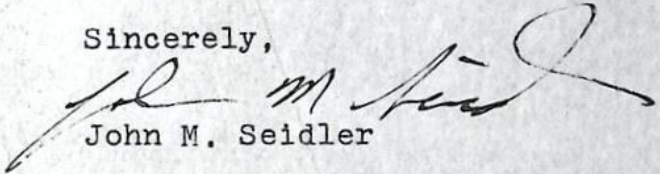
T-2505
File # S-165

Dear Mr. Jebousek:

Enclosed please find the transfer application you returned,
a new one with the corrections you indicated and the two maps you
returned.

Thank-you for your cooperation.

Sincerely,


John M. Seidler

T-2505
S-165

April 6, 1971

John M. Seidler
6220 Caves Hwy.
Cave Junction, Oregon 97523

Dear Mr. Seidler:

This will acknowledge your application for change in point of diversion and place of use of water from Bear Creek, two maps, and the fee of \$35 for which our receipt No. 23076 is enclosed. Your application has been filed as transfer No. 2505.

The number of acres of water right in each forty must be designated by priority date in Item No. 5. The 18.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 21 should be indicated as a change in place of use only.

Item No. 13 on the application must also specify the acreage by priority date in each forty or make reference to the attached map.

I am returning your transfer application No. 2505 and the maps for completion,

Very truly yours,

LARRY W. JEBOUSEK
Assistant

LWJ:klc
Enclosures

RECEIVED
MAR 29 1971
STATE ENGINEER
SALEM OREGON

John M. Seidler
6220 Caves Highway
Cave Junction, Oregon
97523

March 26, 1971

Chris L. Wheeler
State Engineer
1178 Chemeketa St. NE
Salem, Oregon 97310

Dear Sir:

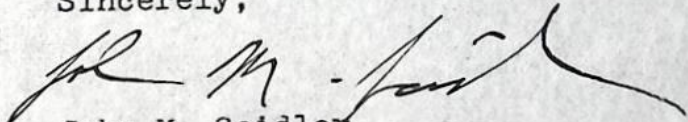
I am applying for changes in point of diversion and in place of use for my irrigated lands in T39S/ R7W/ Sec. 21, in Josephine County. In so doing I am complying with the recommendation which Mr. Trevor Jones of your office made in his letter to Mr. Steimer, Watermaster of Josephine County, dated August 13, 1970 (File #S-165). I have completed the Application for Transfer of Water Right to show both of the changes: in point of diversion for all but 18 ac. in the SE1/4SW1/4; and in place of use, since I am changing the lands to be irrigated slightly in converting to the sprinkler method.

I am also reapportioning the lands to be irrigated by priority of water right. I mean these changes to be reflected in the maps I am enclosing, one picturing the old situation and the other showing the changes I wish to make.

Please find also: copies of Mr. Jones' letter, of the map mentioned in that letter and of the Final Proof Survey (1966) indicating both my diversion point (Allen ditch) and the Salvage's pump site. I am also enclosing thirty-five dollars (\$ 35.00) which I understand is the fee for the services involved in these transfers.

Thank-you for your cooperation.

Sincerely,


John M. Seidler



STATE
ENGINEER

WATER RESOURCES DEPARTMENT

516 PUBLIC SERVICE BUILDING • SALEM, OREGON • 97310 • Phone 378-3739

TOM McCALL
GOVERNOR

CHRIS L. WHEELER
State Engineer

3 11 77 / RECEIVED

AUG 14 1970

WM. DIST. 14
GRANTS PASS, ORE.

File No. S-165

August 13, 1970

Robert B. Steimer
714 N. W. "A" St.
Grants Pass, Oregon 97526

Dear Mr. Steimer:

The order approving the point of diversion application of Twyla Salvage does not specify which land is to be irrigated from which diversion point although the application does indicate that only 18 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ is to be irrigated from the ditch and lower diversion. The order simply approves the change from two points of diversion to other points of diversion for the irrigation of the acreage listed. There is nothing in the final proof report you made to split the land irrigated from each point of diversion. If in fact after the change was approved, only the 18 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ was irrigated from the lower point of diversion and the balance was irrigated from the upper point of diversion, I think these are the established diversion points. Any changes since then by the owner of the southerly lands would require an application for a change in point of diversion. If the lower diversion was also used for the land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and a part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, then I think this could be continued. Final proof survey was made in 1966, so if the changes you refer to because the divided ownership has just occurred, then I think the owner of the southerly land should make application for change in point of diversion.

I am not sure if you have a copy of the map made showing both the diversion and the approximate location of the lands by priority, so I am enclosing a copy.

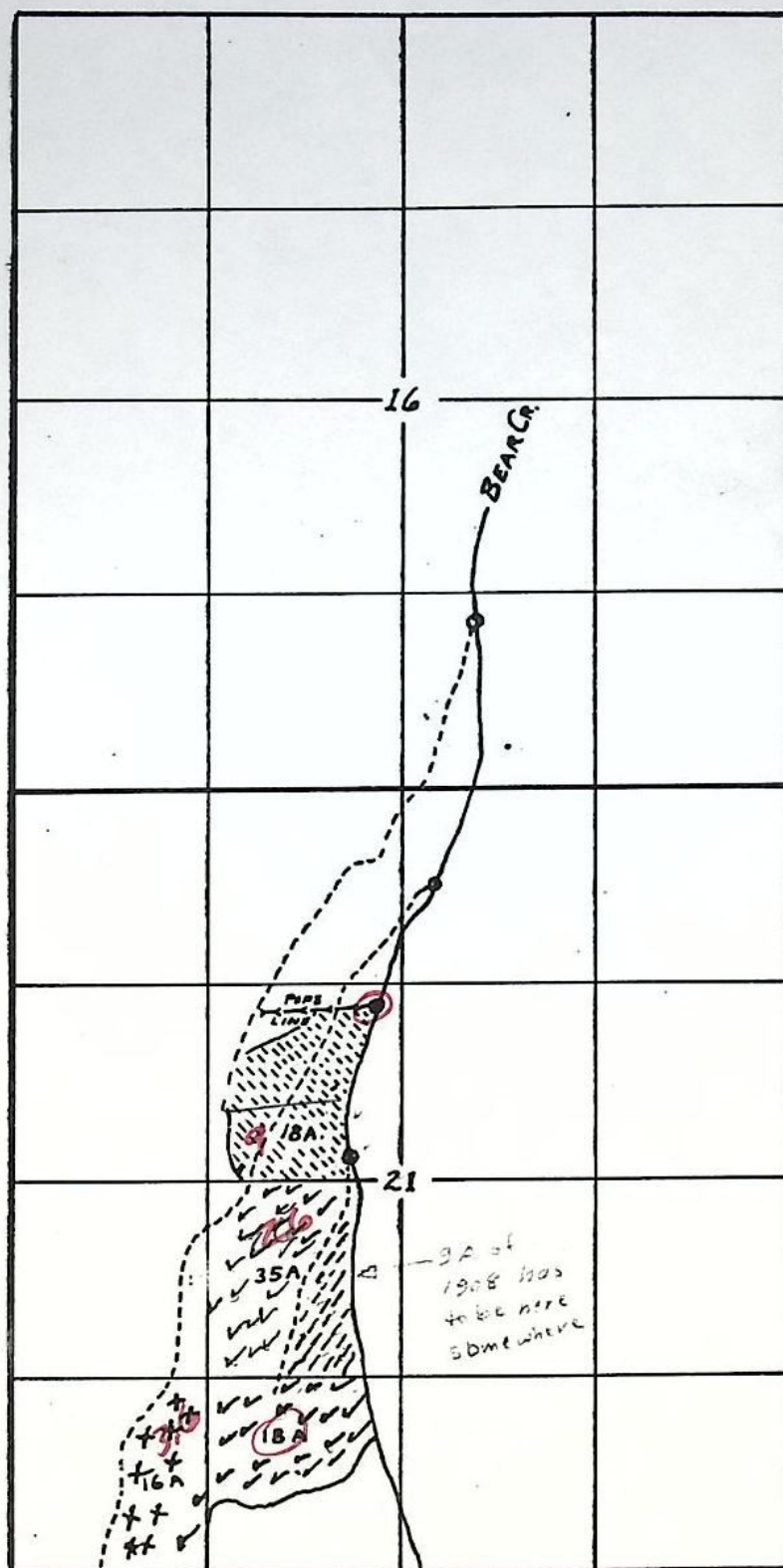
Very truly yours,


Trevor Jones
Assistant

TJ:reo
Enclosure

RECEIVED
MAR 29 1971
STATE ENG
SALEM, O'

T 39 S. R 7 W. W.M.



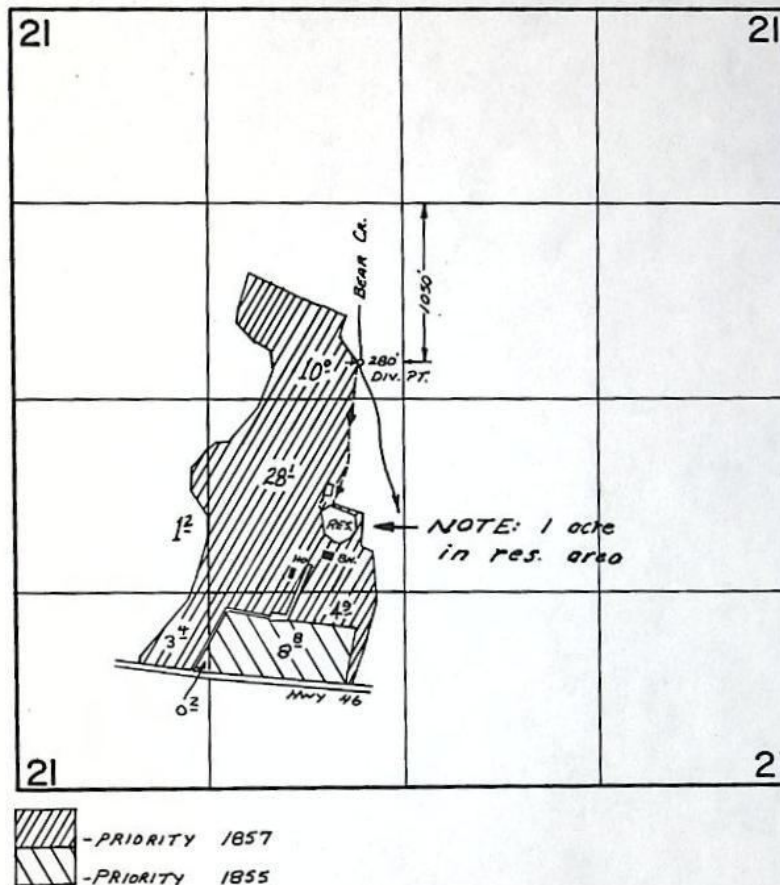
Irrigated land

▨	1855 priority	18A. total
▨	1857 priority	47 1/2 A. total
++	1895 priority	12 1/2 A. total
▨	1908 priority	9 A. total

SEP 20 1954

S-165

T.39S.,R.7W.,W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2505
Application No. Permit No.
IN NAME OF
CHARLES W. DAVID

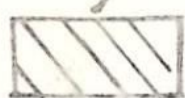
Surveyed *May 6* 1975, by *L. Tall*.....
MAY 25, 1977 - REVISED

39-1-21
T39S, R.7W. W.M.

New Pump Diversion Point and Plan of Use

* Pump Diversion Point, 1050' south and 230' west of N.E. corner of S.E. 1/4 of N.W. 1/4. (formerly Allen Ditch Diversion Point).

Buried 5" sprinkler mainline



1855 priority



1895 priority



1857 priority



1908 priority

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DEC 10 1976

WATER RESOURCES DEPT
SALEM, OREGON

1 inch = 400 feet

