

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in place of use & point of diversion
 Date filed 2-13-75
 Date of hearing Nov. 29, 1978
 Place of hearing Medford
 Date of order 11-29-78 Vol. 31, page 457
 Date for application of water 10-1-80

Name of stream Bear Creek
 Trib. of _____ County of Jackson
 Use irrigation
 Quantity of water _____ No. of acres 10³
 Name of ditch _____
 Date of priority _____

Date	Amount	Receipt No.
2-13-75	40.00	45235
2-13-75	45.00 P.O.N. <2.00>	45236
TOTAL . . .		
10-31-78	\$2 Cert. Fee	Tranf. fr 45235
Medford Mail Tribune #36.67 pd 10/31/78 ck #2756		

Proof mailed _____
 Proof received _____
 Certificate issued **JAN 29 1979** Vol. 40, page 47284

In name of Mrs. Frank McKee
Rogue River Adjudication, Vol. 4, page 6
 App. No. _____ Per. No. _____ Cert. No. 15902

FEES REFUNDED

Date	Amount	Check No.
10/31/78	6 ³³	2755
	Ex 15-	
	POU 10-	
	POD 15-	
	Cert 2-	
	PON 36.67	
	78.67	

AUG 29 1988 **57589**

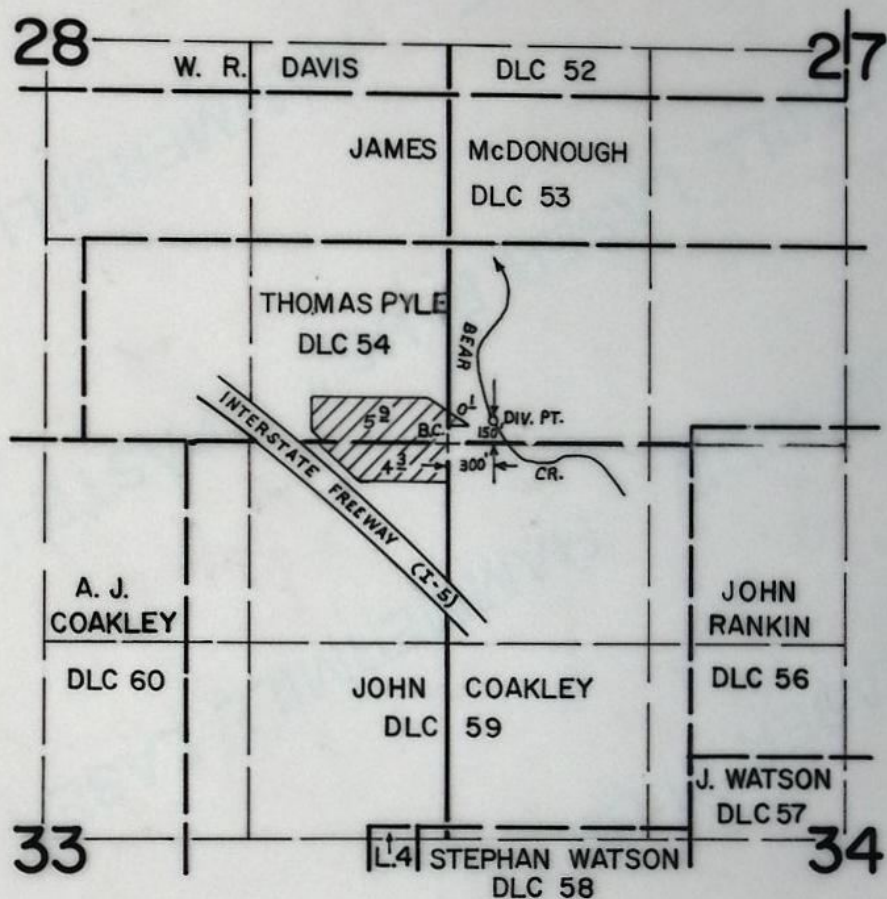
Certificate cancelled _____
 Notation made on record by _____

REMARKS

See T# B-143 & POD
 also See T# 2844
 5-8-80 113 P 313 9505

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	leg	---
	Stream	leg	---
	Pl. of Div.	leg	---
	Calendar	leg	---
	CHECKED TO REC.		
	Twp. & Rge.	leg	---
	Decree-vault	leg	---
	Decree-safe	leg	---
	Cert. of W/R	leg	---
	Per. Folder	leg	---
	Chaindex	---	---
	Cross Ref.	---	---
	Power Claim	leg	---
	Abstracts	leg	---

T.36S., R.2W., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3168

Application No. Permit No.
IN NAME OF

GREAT VALLEY DEVELOPMENT CO.

Surveyed FEB. 4 1983, by B. S. JAMES

SCALE: 4" = 1 MILE

12/81

See TR-3844

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN: POD
POU
USE
Add'l POD

Transfer No. 3158 County Jackson
Old Certificate No. 15902

1. Name Great Valley Development Co. ✓
Address 6478 Blackwell Rd, Central Point, OR 97501 ✓

2. Source of Supply Bear Creek ✓, Trib of ROGUE RIVER ✓

3. Use in 10.3 ac

4. Amount of Water 0.13 cfs

5. Priority Date July 30, 1901

6. Proposed Point of Diversion 150' N + ^{300'} 250' E from SW Cor of S27,
w/in SW 1/4 SW 1/4, S 27, T 36S, R 2W, Wm ✓

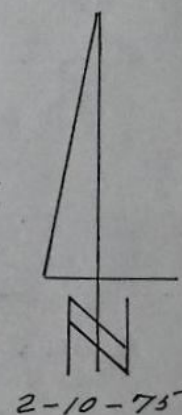
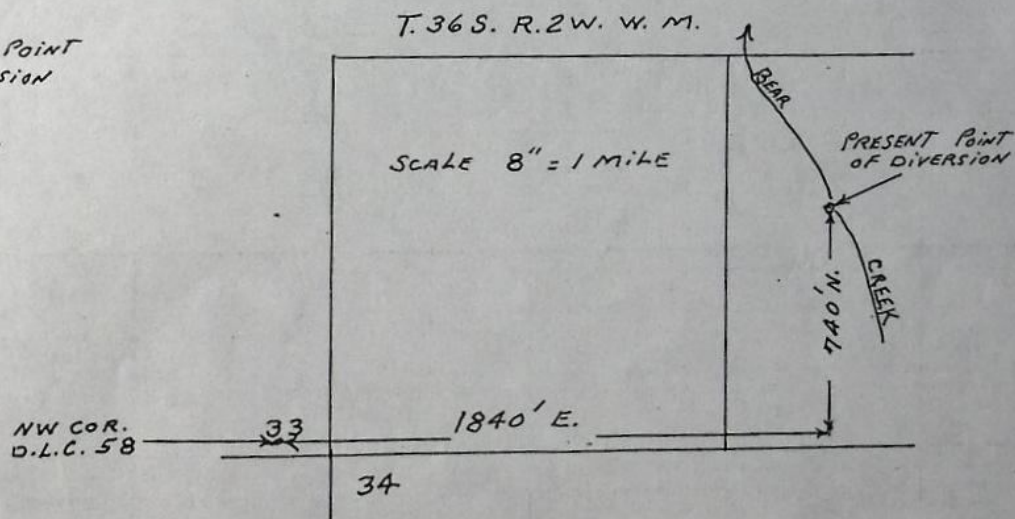
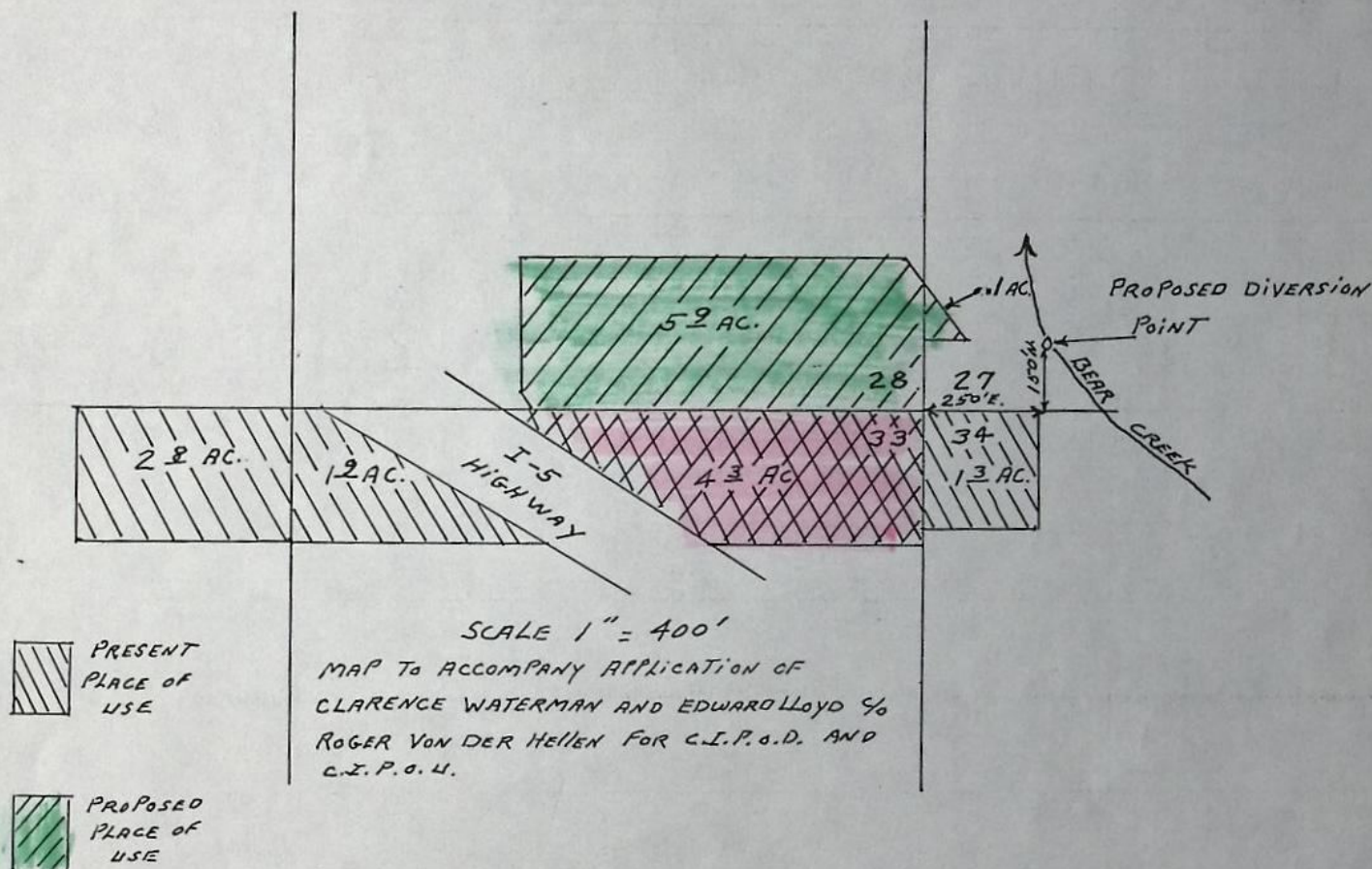
7. Completion Date 10-1-80

8. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
36S	2W	27	SW SW	0.1 new
		28	SE SE	5.9 "
		33	NE NE	4.3 old
36 S	2 W	27	SW ⁴ SW ⁴ } w/in THOMAS PAINE DLC 54	0.1 Acres ✓
"	"	28	SE ⁴ SE ⁴ }	5.9 " ✓
"	"	33	NE ⁴ NE ⁴ } w/in JOHN COAKLEY DLC 59	4.3 " ✓
				10.3 Acres Total ✓

BAX-3AA-139
2-4-83 -BSJ

T. 36 S. R. 2 W. W. M.



T-3168

FINAL PROOF ON

APPLICATION NO.

PERMIT NO.

SURFACE WATER IRRIGATION

TRANSFER NO. 3158

INFO: NAMES: GREAT VALLEY DEVELOPMENT CO.

ADDRESS: 6474 BLACKWELL RD, CENTRAL POINT

TALKED TO: RON VON DER HELLEN

SOURCES: BEAR CREEK

SYSTEM: PUMPS DIRECT FROM CREEK THRU 10" CONC. PIPE
INTO OPEN DITCHES

PUMP: MAKE: PARMA WATER LIFTER CO. Pump @ 50 PSI

TYPE: CENT.

SUCTION SIZE: 4"

DISCHARGE SIZE: 4"

MODEL NO.:

RATING:

MOTOR: MAKE DAYTON

TYPE: ELECT.

HP: 20

RPM: 1755

CONNECTED DIRECT OR FULLEYS 8" → 4"

SPRINKLER SYSTEM:

MAINLINE: NO. FEET: 500'

SIZE: 10"

TYPE: CONC.

LATERALS: NO. FEET: OPEN DITCHES

SIZE:

TYPE:

SPRINKLERS: NO. HEADS: N/A

MAKE:

MODEL #:

NOZZLE SIZES:

MAXIMUM:

IN OPERATION: MEAN PRESSURE:

NO. OF HEADS:

LIFT: SUCTION: 10'

DISCHARGE: 4'

USE: WHEAT, ALFALFA SEED, SUGAR BEET SEED.
DIVERSION: DIRECT DIV. PT. HAS BEEN USED SINCE ^{BEFORE} 1978, @ THIS
NEW LOCATION.

STRUCTURE:

TIE: MONUMENTS: 28/31
33/34 JA.CO. B.C.

SURVEYED ON: BAX-JAA-139

B. Suzie Janna

ASST. WATER RIGHTS EXAMINER D.A.T. 2-4-83

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
GREAT VALLEY DEVELOPMENT, INC., FOR)
APPROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3168

On February 13, 1975, an application was filed in the office of the Water Resources Director by Great Valley Development, Inc., for approval of changes in place of use and point of diversion from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 15902, Volume 13, State Record of Water Right Certificates, in the name of Mrs. Frank McKee, describes a right which includes the use of not to exceed 0.13 cubic foot per second from Bear Creek for irrigation of a certain 6.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; and 1.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 36 South, Range 2 West, W.M., with a date of priority of July 30, 1901.

Water for the said right is diverted from a point located 740 feet North and 1840 feet East from the Northwest Corner of D.L.C. No. 58, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 34.

The applicant herein, owner of the lands above described, proposes changes in place of use and point of diversion, without loss of priority, being to sever the right from a certain 1.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; and 1.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, described above, and in lieu thereof to irrigate a certain 0.1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 and 5.9 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 36 South, Range 2 West, W.M.; and to irrigate these lands and the remaining 4.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 33, from a point of diversion located 150 feet North and 250 feet East from the Southwest Corner of Section 27, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 36 South, Range 2 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of October 9, 16 and 23, 1978.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without

U312057

injury to existing rights.

No objections having been filed and it appearing that the proposed changes 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 requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

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 under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

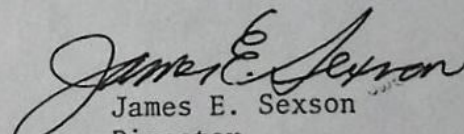
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1980.

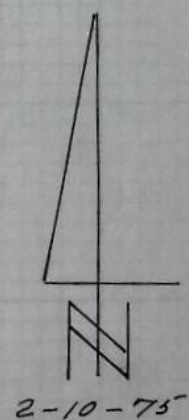
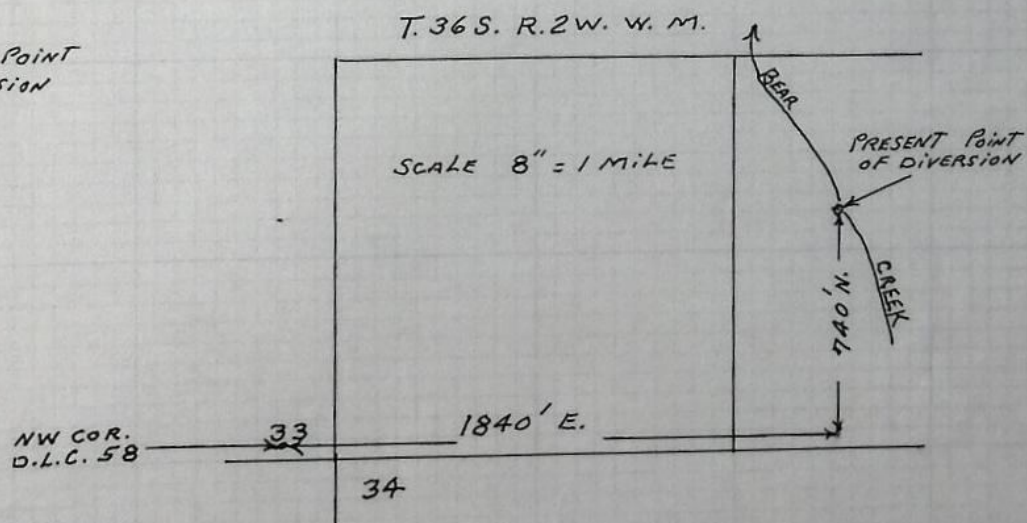
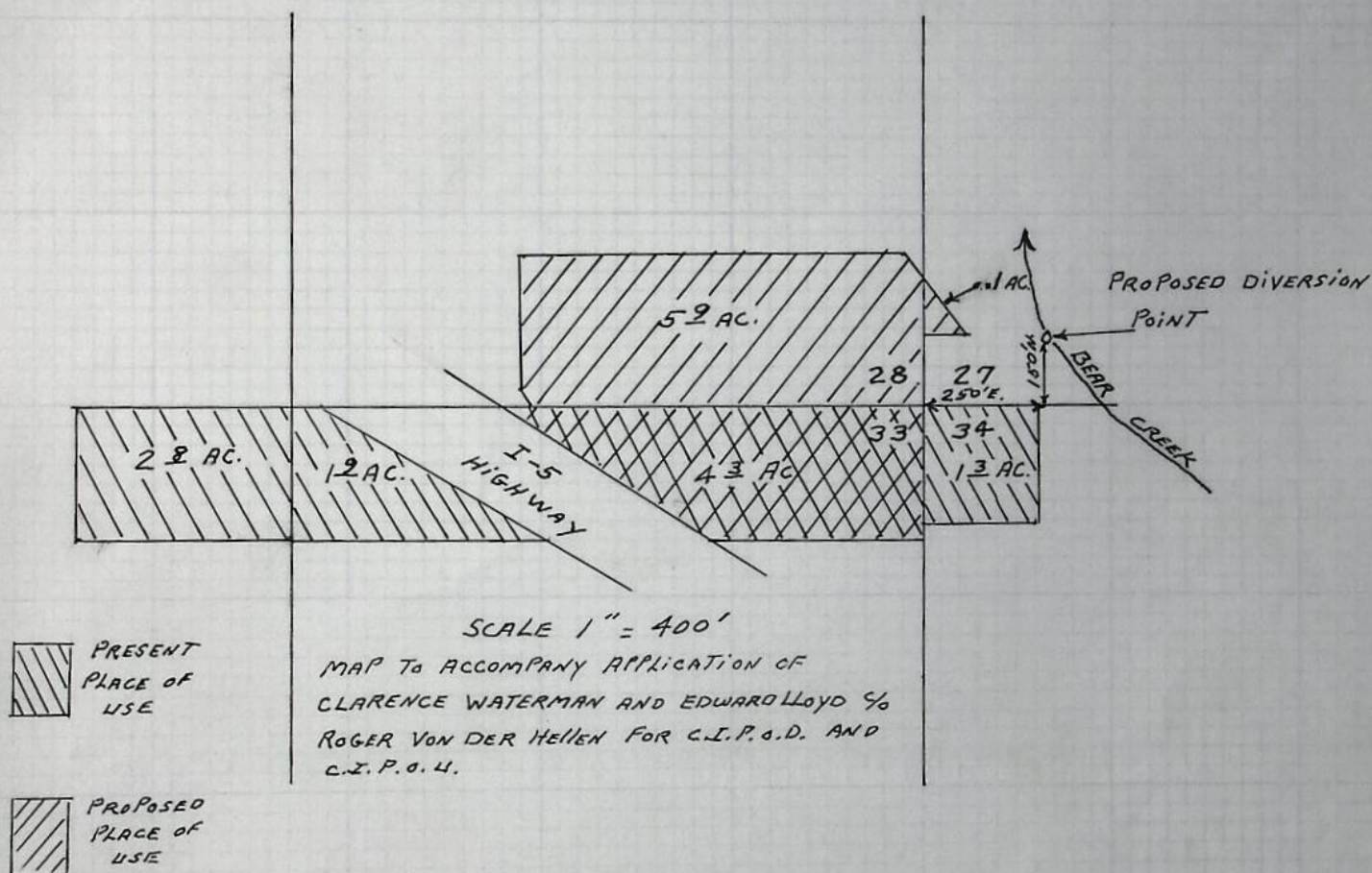
It is FURTHER ORDERED that the certificate of water right recorded at page 15902, Volume 13, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding and NOT canceled by an order entered May 27, 1975, at page 334, Volume 25, Special Order Record; 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 29th day of November, 1978.


James E. Sexson
Director

2455

T. 36 S. R. 2 W. W. M.



T-3168

STATE OF OREGON

COUNTY OF JACKSON

Cancelled-sp. or Rec. Vol. 25 P. 334

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Mrs. Frank McKee

of Central Point, State of Oregon, has a right to the use of
the waters of Bear Creek, a tributary of Rogue River
for the purpose of irrigation of ~~100.3 acres~~ 19.6 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 July 30, 1901;

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 ~~100.3~~ cubic foot per
second. 0.25

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:

	T-3168 13	Cancelled: 17.8
10.9 4.1 10.9 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$		10.2
Section 34,		
10.9 10.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$	62	22.9
10.9 4.6 10.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$	28	10.5
10.9 4.6 10.9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$		5.9
Section 33,		12.1
T. 36 S., R. 2 W. W. M.		

The point of diversion is located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, T 36 S, R 2 W, W.M.
being 610 ft N and 1860 ft E from the NW Corner of DLC No. 58.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 15902, Volume 13, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on November 29, 1978, approving transfer application No. 3168,
nor canceled by an order dated May 27, 1975 and recorded at page 334 Vol 25, Special Order Record.
The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

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 15902

T311.9

RECEIVED

FEB 13 1975

STATE ENGINEER
SALEM, OREGON

T-3168

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

Great Valley Development, Inc. by
I, Clarence Waterman and Edward Lloyd c/o Roger von der Hellen
(Name of applicant)

of 6478 Blackwell Road, Central Point County of Jackson
(Postoffice)

State of Oregon 97501, do hereby make application for change in place of use and
change in point of diversion.
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Bear Creek.
(Name of stream)

2. The use to which the water is applied is irrigation.
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is pumping station.

4. The point of diversion is located 740 ft. N. and 1840 ft. E. from the NW
(N. or S.) (E. or W.)

corner of D.L.C. #58 being within the SE 1/4 NW 1/4
(Section or subdivision)

of Section 34 Tp. 36 S. R. 2 W. W. M., in the County of Jackson.
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
36 S.	2 W.	34						ent 1.3	(CIPOU & CIPOD)									
36 S.	2 W.	33	ent 1.9	ent 2.8	(CIPOU & CIPOD)													
		33	stay 4.3	(CIPOD only).														

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes.
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes.

8. What is the date of priority of your water right? July 30, 1901.

9. Was your water right acquired by State Engineer's Permit? No. If so, give number
(Yes or No)

of permit none.

10. Do you hold a water right certificate? Yes. If so, give number of certificate 15902.
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?
Yes. If so, give title of proceedings Rogue River Decree (Page 6, Col. 3).
(Yes or No)

12. Is the water right recorded in your name? No, Mrs. Frank McKee.
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
36 S	2 W	28																5.9
36 S	2 W	27											0.1					

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 150 ft. N. and 250 ft. E. from the SW
(N. or S.) (E. or W.)
corner of Sec. 27 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 Tp. 36 S. R. 2 W. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Jackson. The name of the ditch to be used is pumping plant.

15. Are you the owner of the land on which the proposed point of diversion is to be located? No.

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

Roger von der Hellen, 6478 Blackwell Rd., Central Point, Oregon 97501

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No.

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes.
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are to better facilitate the use of water.

STATE OF OREGON,

County of Tongue

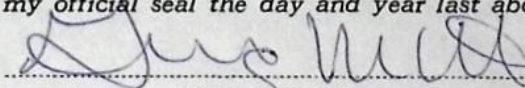
} ss.

FORM NO. 23 — ACKNOWLEDGMENT
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

BE IT REMEMBERED, That on this 6 day of Feb, 1975,
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within
named Edward Lloyd

known to me to be the identical individual..... described in and who executed the within instrument and
acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.



Notary Public for Oregon.

My Commission expires

My Commission Expires Nov. 1, 1975

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Jackson } ss.

I, CLARENCE WATERMAN, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

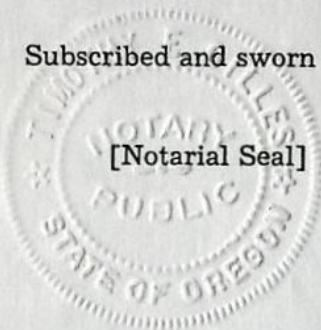
In Witness Whereof, I have hereunto set my hand this 5th day of FEBRUARY, 1975.

GREAT VALLEY DEVELOPMENT, INC.

Clarence Waterman
(Name of applicant)

Edward [Signature]

Subscribed and sworn to before me this 5 day of FEBRUARY, 1975



[Signature]
NOTARY PUBLIC FOR OREGON

My commission expires June 7, 1977

Remarks

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

66-12719

CONTRACT OF SALE

This contract made in triplicate on this 16th day of November, 1966,
between ROGER von der HEULEN and LOUISE von der HEULEN, husband and wife,
hereinafter called first party, whether singular or plural, and GREAT VALLEY
DEVELOPMENT, INC., an Oregon corporation, hereinafter called second party,

WITNESSETH:

362W28-401

1. First party agrees to sell and second party agrees to purchase the
following described real property in Jackson County, Oregon, to-wit:

That portion of the following described tracts lying Westward of
the westerly boundary line of Interstate Highway No. 5; Beginning
at a point on the south line of Section 28 in Township 36 South,
Range 2 West of the Willamette Meridian in Jackson County, Oregon,
which is 61.45 chains East of the section corner common to Sections
28, 29, 32 and 33, said Township and Range; thence North 20.0 feet;
thence West, parallel to the south line of said Section 28, a dis-
tance of 500.0 feet to the center of the County Road; thence South-
west, along the center of said County Road, to the south boundary
line of said Section 28; thence East along said section line, to
the point of beginning; to be used for road purposes.

Also, Beginning at the northeast corner of Donation Land Claim
No. 39 in Township 36 South, Range 2 West of the Willamette Meridian
in Jackson County, Oregon; thence South 7.00 chains; thence West
17.39 chains; thence North 3.00 chains; thence West 33.10 chains;
thence North 6.00 chains; thence West 39.55 chains to the point of
beginning. EXCEPTING THEREFROM a road 60 feet in width granted
to Jackson County, Oregon, by instrument recorded in Volume 120 page
332 of the Deed Records of Jackson County, Oregon. ALSO, EXCEPTING
THEREFROM that portion of said tract acquired by the State of Oregon
(and through the State Highway Commission) in Final Judgment rendered
April 10, 1961, in the Circuit Court of Oregon for Jackson County, under
Case No. 29-1320; recorded in Volume 158 page 395 of the Circuit Court
Journal, Jackson County Records.

EXCEPTING TO:

1. That part lying within public roads.
2. Rights of way for the transmission and distribution of electricity,
and for other purposes, granted to the California Oregon Power
Company, by instruments recorded in Volume 391 page 483 and Vol-
ume 444 page 55 of the Deed Records of Jackson County, Oregon.
3. Areas previously devoted to Final Judgment rendered April 10,
1961, in the Circuit Court of Oregon for Jackson County, under
Case No. 29-1320; and judgment rendered in Volume 158, page 395
of the Circuit Court Journal, Jackson County Records.
4. [Redacted]
5. Any easement or interest by a financing agreement being filed in
the office of the County Clerk, Jackson County, Oregon.

RECEIVED

FEB 13 1975

STATE ENGINEER
JACKSON, OREGON

T-3168

28-36-2W-36
ACCOUNT NUMBER

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
OFFICE OF COUNTY ASSESSOR, JACKSON COUNTY, OREGON

6-4
6-2
CODE NUMBER

36 TAX LOT NUMBER	SECTION _____	TOWNSHIP <u>36</u> S	RANGE <u>2W</u> W.M.	MAP NO. <u>28 36 2W</u>	AERIAL PHOTO _____
	LOT _____	BLOCK _____	ADDITION _____		CITY _____

INDENT EACH NEW COURSE TO THIS LINE	LEGAL DESCRIPTION	DEED RECORD			ACRES REMAINING
		YEAR	VOLUME	PAGE	
V	von der Hellen, Roger & Louise TRACT A: Beginning at the Southwest corner of Sec. 27 in Twp. 36 South, of Range 2 West of the W.M., JCO; thence East 443.5 feet; thence North 17°04' West 1035 feet; thence West 137 feet to the West line of said Sec. 27; thence South on said Section line 990.7 feet to the point of beginning.	1942	240	216	
	TRACT B: Beginning at a point on the South boundary line of Sec. 28 in Twp. 36 South, of Range 2 West of the W.M. JCO, which is 61.45 chains East of the Section corner common to Sections 28, 29, 32 and 33 said township and range; thence North 20 feet; thence West, parallel to the South boundary line of said Section 28, 500 feet to the center of the County Road; thence Southerly along the center of said County Road to the South boundary line of Sec. 28; thence East along said section line, to the point of beginning, to be used for road purposes.				
	ALSO, Beginning at a point on the South boundary of Sec. 28 in Twp. 36 South of Range 2 West of the W.M., JCO, which is 61.45 chains East of the corner common to Sections 28, 29, 32 and 33, said township and range; thence East along said line, 18.32 chains; thence North 15.01 chains; thence West 18.32 chains; thence South 15.01 chains to the point of beginning.				
	TRACT C: Beginning at the Northeast corner of D.L.C. 59 in Twp. 36 South of Range 2 West of the W.M., in JCO, and running thence South 7.00 chains; thence West 17.50 chains; thence North 3.00 chains; thence West 33.10 chains; thence North 4.00 chains; thence East 50.60 chains to the point of beginning. (over)				

RECEIVED
FEB 13 1975
STATE ENGINEER
SALEM, OREGON

T-3168

Post

Cancelled-sp. or Rec. Vol. 25 P. 334

STATE OF OREGON

COUNTY OF JACKSON; YTHUOD

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Mrs. Frank McKee

of Central Point, Oregon, State of Oregon, has a right to the use of

the waters of Bear Creek, a tributary of Rogue River, for the purpose of

irrigation of 109.3 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 July 30, 1901;

POD 740' N & 1840' E from NW Cor DLC #58, being w/in SE 1/4 NW 1/4 Sec. 34, T 36 S, R 2 W

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 1.37 cubic feet 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:

19.1 acres in NW 1/4 NW 1/4
 4.1 - 14.3 acres in SW 1/4 NW 1/4
 Section 34,
 10.9 - 40 acres in NE 1/4 NE 1/4
 13.3 acres in NW 1/4 NE 1/4
 5.9 acres in SW 1/4 NE 1/4
 4.6 - 16.7 acres in SE 1/4 NE 1/4
 Section 33,
 T. 36 S., R. 2 W. N. M.

* ch. imp. of div. for
 these lands
 Sp. Br. v. 13, p. 313
 T#B-143

* POD (T-B143) 610' N & 1860' E from NW Cor DLC #58, w/in SE 1/4 NW 1/4 Sec 34, T36S, R 2 W

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

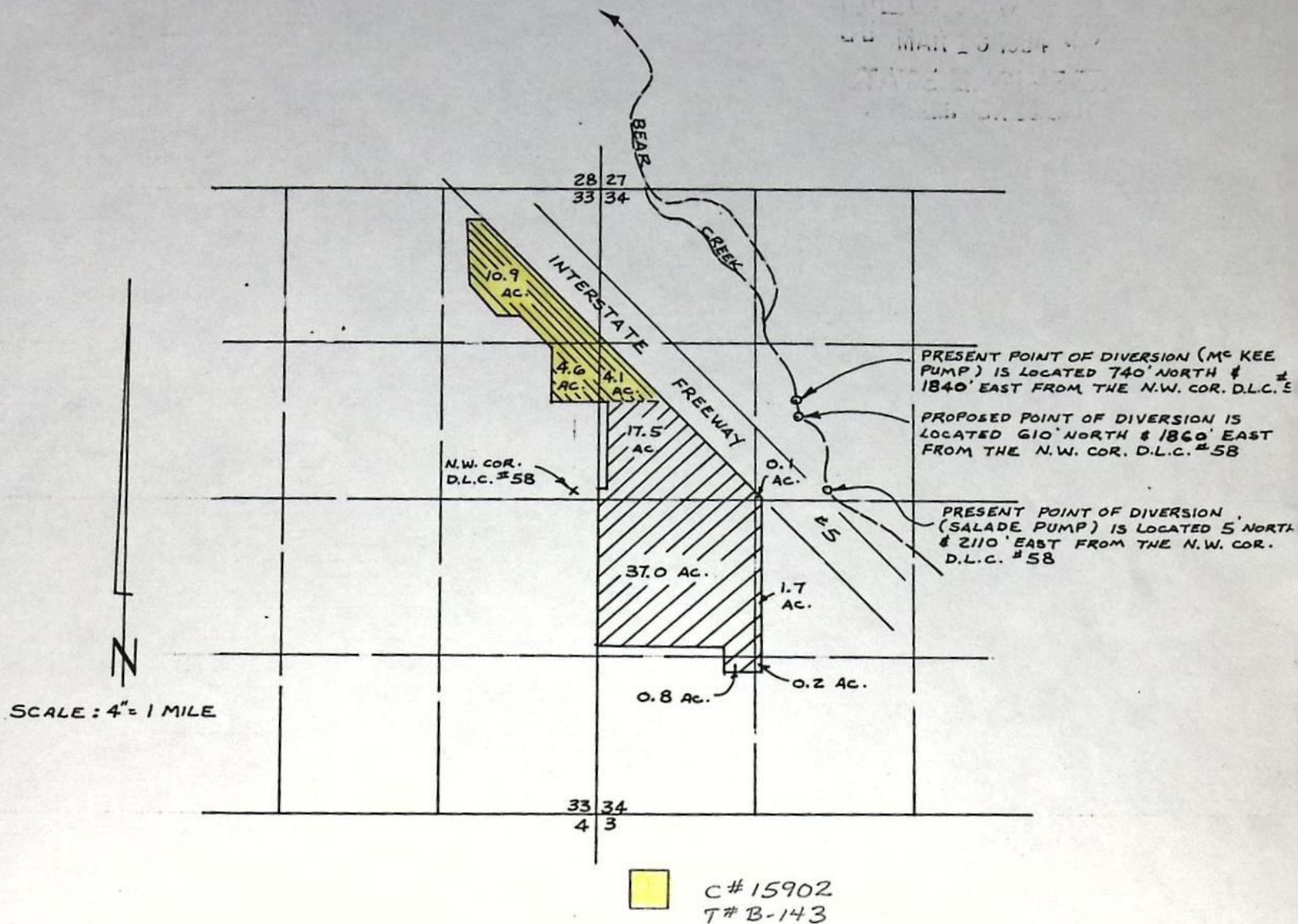
dated this 30 day of September, 1919.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13 W, page 15902

SECS. 33 AND 34, T. 36 S., R. 2 W., W.M.



MAP TO ACCOMPANY APPLICATION OF JOHN BOHNERT FOR A CHANGE IN POINT OF DIVERSION FROM BEAR CREEK.

MARCH 5, 1964

Water Right under certificate page 15902, Volume 13, S R of W R C

Bear Creek, Jackson County

Priority: July 30, 1901

POD #1 740 ft N & 1840 ft E from NW Cor. DLC #58, being within the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 34, T 36 S, R 2 W, W.M.

POD #2 610 ft N & 1860 ft E from NW Cor. DLC #58, beong within the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 34, T 36 S, R 2 W, W.M. (by T# B-143)

		Sp Or Vol. 25, Page 334		To POD #3	
		Cancel	Cancel	T-3158	
POD #2	POD #1	<u>Autho</u>	<u>Notice</u>	<u>from "POD #1"</u>	
10.9	NE 1/4 NE 1/4 29.1	3.08	19.82	6 ²	
	NW 1/4 NE 1/4 13.3	—	10.5	28	
	SW 1/4 NE 1/4 5.9	2.78	3.12		
4.6	SE 1/4 NE 1/4 12.1	7.13	4.97		
Section 33					
	NW 1/4 NW 1/4 19.1	15.3	2.5	1 ³	
4.1	SW 1/4 NW 1/4 10.2	5.1	5.1		
Section 34					
T 36 S, R 2 W, W.M.					

POD #3 150 ft N & 250 ft E from SW Cor. Sec. 27, being within SW $\frac{1}{4}$ SW $\frac{1}{4}$
of Sec. 27, T 36 S, R 2 W, W.M.

**NOTICE OF WATER RIGHT TRANSFER
APPLICATION NO. 3168**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Great Valley Development, Inc., for approval of changes in place of use & point of diversion from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 15902, Volume 13, State Record of Water Right Certificates, in the name of Mrs. Frank McKee, describes a right which includes the use of not to exceed 0.13 cubic foot per second from Bear Creek for irrigation of a certain 6.2 ac in NE 1/4 NE 1/4 & 2.8 ac in NW 1/4 NE 1/4 of Sec 33; and 1.3 ac in NW 1/4 NW 1/4 of Sec 34, T 36S, R 2W, WM, with a date of priority of July 30, 1901.

Water for the said right is diverted from a point located 740 ft N & 1840 ft E from the NW Corner of DLC #58, being within the SE 1/4 NW 1/4 of said Sec 34.

The applicant herein, owner of the lands above described, proposes changes in place of use & point of diversion and, without loss of priority, to sever the right from a certain 1.9 ac in NE 1/4 NE 1/4 & 2.8 ac in NW 1/4 NE 1/4 of Sec 33 and 1.3 ac in NW 1/4 NW 1/4 of Sec 34, described above, and in lieu thereof to irrigate a certain 0.1 ac in SW 1/4 SW 1/4 of Sec 27 and 5.9 ac in SE 1/4 SE 1/4 of Sec 28, T 36S, R 2W, WM; and to irrigate these lands and the remaining 4.3 ac in NE 1/4 NE 1/4 of said Sec 33, from a point of diversion located 150 ft N & 250 ft E from the SW Corner of Sec 27, being within the SW 1/4 SW 1/4 of Sec 27, T 36S, R 2W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on November 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 Great Valley Development, Inc., c/o Roger von der Hellen, 6478 Blackwell Rd, Central Point, OR 97501; 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. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon this 4th day of October, 1978.

James E. Sexson
Director

Affidavit of Publication

State of Oregon, }
County of Jackson } ss.

1. Joann Alldredge, being first duly

sworn, depose and say that I am the _____
(OWNER, EDITOR, PUBLISHER, MANAGER.)

Principal Clerk

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state;

that the Notice of Water Right Transfer

Appl. 3168

_____, 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 October 9, 16, 23, 1978
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Joann Alldredge

Subscribed and sworn to before me this 23rd day of October, 1978

James E. Sexson
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981

RECEIVED

OCT 25 1978

**WATER RESOURCES DEPT.
SALEM, OREGON**

ok

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE)
CANCELANATION OF A WATER)
RIGHT IN THE NAME OF)
MRS. FRANK McKEE)

O R D E R

On February 26, 1975, Roger and Louise von der Hellen, C. E. and Catherine N. Rosecrans, Gerald D. and Virginia L. Brotherston, M. C. Lininger & Sons, Inc., by Jim Wright, Sec.-Treas., Wesley C. and Patricia C. Stanfield, and Murrey A. and Jeanette Dumas submitted affidavits that they are the legal owners of a part of a water right and the lands to which the right is appurtenant; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

On February 28, 1975, notice was given by certified mail in accordance with the provisions of ORS 540.631 to 540.650 to Great Valley Development Inc., Department of Transportation, Thomas E. and Dora D. Rice, Ms. Donna V. Straus, Jackson County Court, Freddie L. and Linda L. Sutton, and Albert J. and LaQuita J. Costelow as owners of the remaining land to which a water right hereinafter described is appurtenant, of the State Engineer's intention to cancel said right.

The water right in question is for the appropriation of 0.99 cubic foot per second of water from Bear Creek, a tributary of Rogue River, with a date of priority of July 30, 1901, for the irrigation of 17.8 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 10.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34; 22.9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 10.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 12.1 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 36 South, Range 2 West, W.M., Jackson County, Oregon, as evidenced by the certificate recorded at page 15902, Volume 13, State Record of Water Right Certificates in the name of Mrs. Frank McKee.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right."

That part of the above described water right in question which is not subject to cancelation under the provisions of ORS 540.621 may be canceled under the provisions of ORS 540.641 which provides for cancelation of the water right if no protest is filed within the 60 day period immediately following the notice. No protest having been filed against the proposed cancelation of the water right in question within the 60 day period immediately following the notice, the water right should be canceled under the provisions of ORS 540.641 (1).

NOW, THEREFORE, it is hereby ORDERED that the right for the use of not to exceed 0.99 cubic foot per second of water from Bear Creek, a tributary of Rogue River, with a date of priority of July 30, 1901, for the irrigation of 17.8 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 10.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34; 22.9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 10.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 12.1 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 36 South, Range 2 West, W.M., Jackson County, Oregon, as evidenced by the certificate recorded at page 15902, Volume 13, State Record of Water Right Certificates in the name of Mrs. Frank McKee, is canceled.

Dated at Salem, Oregon this 27th day of May, 1975.

/s/ CHRIS L. WHEELER
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

IN THE MATTER OF THE)
CANCELANON OF A WATER)
RIGHT IN THE NAME OF)
MRS. FRANK McKEE)

NOTICE

TO: Great Valley Development Inc.
c/o Edward F. Lloyd
P. O. Box 1047
Grants Pass, OR 97526

Department of Transportation
Highway Division
307 Highway Building
Salem, OR 97310

Thomas E. & Dora D. Rice
2624 Eric Avenue
Central Point, OR 97501

Ms. Donna V. Straus
5702 Drake Avenue
Central Point, OR 97501

Jackson County Court
Drake & Eric Avenue
Courthouse
Medford, OR 97501

Freddie L. & Linda L. Sutton
5726 Drake Avenue
Central Point, OR 97501

Albert J. & LaQuita J. Costelow
2714 Eric Avenue
Central Point, OR 97501

Notice is hereby given that the State Engineer is initiating proceedings under the provisions of ORS 540.610 to 540.650 for the cancelation of a certain water right as hereinafter described.

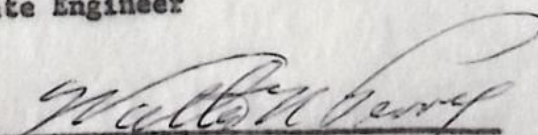
The water right in question is for the appropriation of not to exceed 0.575 cubic foot per second of water from Bear Creek, a tributary of Rogue River for the irrigation of 19.82 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 10.50 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 3.12 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.97 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, 2.50 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 5.10 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 36 South, Range 2 West, W.M., with a date of priority of July 30, 1901 as evidenced by the certificate recorded at page 15902, Volume 13, State Record of Water Right Certificates in the name of Mrs. Frank McKee.

You are further notified that you have a period of 60 days from the date of mailing this notice in which to protest the proposed cancelation of the water right. Therefore, any protest must be received in the office of the State Engineer at 1178 Chemeketa Street N.E., Salem, Oregon 97310, together with payment of the statutory fee in the amount of \$5.00 on or before April 28, 1975. If a protest is filed, the State Engineer will fix a time and place for a hearing and written notice of said hearing will be given at least ten days prior to the date set.

If no protest is filed within the said 60 day period, the State Engineer will enter an order canceling the right without further notice.

Dated at Salem, Oregon this 28th day of February, 1975.

CHRIS L. WHEELER
State Engineer

By 
Walter N. Perry, Acting Deputy



**STATE
ENGINEER**

WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

ROBERT STRAUB
~~GOVERNOR~~
GOVERNOR

CHRIS L. WHEELER
State Engineer

RECEIVED
MAR 7 1975
STATE ENGINEER
SALEM, OREGON

February 28, 1975

File No.

Great Valley Development Inc.
c/o Edward F. Lloyd
P. O. Box 1047
Grants Pass, OR 97526

Gentlemen:

The enclosed notice of the initiation of a proceeding for cancelation of a certain water right is being sent to you as the owner of the property to which a portion of the said water right is appurtenant.

ORS 540.610 provides that if a completed and perfected water right, such as the one described in the accompanying notice, goes without use for a period of five or more successive years, the water right is forfeited and ceases to be valid because of nonuse.

Information has been submitted to the State Engineer indicating nonuse occurring during the past 10 years. However, persons will be called as witnesses and factual evidence of actual nonuse will not be restricted to these periods of time.

If you have evidence to the contrary, you should protest the proposed cancelation of the water right so that an opportunity will be provided for you to submit such evidence at a hearing before the State Engineer. On the other hand, if the information before the State Engineer is correct and you therefore do not protest the proposed cancelation of the water right, an administrative order canceling the right on the records will be entered without further notice.

If you have any questions or desire information on the procedures for protest, please contact me at the Salem, Oregon address or Mr. David C. Hendrix, Watermaster in Medford, Oregon.

Very truly yours,

Larry M. Jebousek
LARRY M. JEBOUSEK
Assistant

March 5, 1975

LWJ:cjw
Enclosure

CERTIFIED - Return Receipt Requested

On Feb. 1, 1975, Application for Transfer of Water Right to Roger von der Hellen, 6428 Blackwell Road, Central Point, Oregon, was executed by Great Valley Development, Inc.

NOTE

AFFIDAVIT

RECEIVED

FEB 26 1975

STATE ENGINEER

SALEM, OREGON

STATE OF OREGON

County of Jackson

ss.

We, Roger and Louise von der Hellen, of 6478 Blackwell Road, Central Point, Oregon 97501, being first duly sworn, depose and say that we are the legal owners of the following described land:

TRACT C: Beginning at the Northeast corner of D.L.C. 59 in Township 36 South, of Range 2 West, of the Willamette Meridian, in Jackson County, Oregon, and running thence South 7.00 chains; thence West 17.50 chains; thence North 3.00 chains; thence West 33.10 chains; thence North 4.00 chains; thence East 50.60 chains to the point of beginning.

and the water right that is appurtenant thereto, which is for the irrigation of 0.7 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 36 South, Range 2 West, Willamette Meridian, Jackson County, Oregon, with date of priority of July 30, 1901, for the use of 0.0088 c.f.s. of water from Bear Creek, the water right in question being initiated in the name of Mrs. Frank McKee, evidenced by Certificate No. 15902, that we have abandoned any and all interest in and to said water right and request the same to be cancelled.

IN WITNESS WHEREOF, we have hereunto set our hands this 29th day of January, 1975.

Roger von der Hellen

Louise von der Hellen

Subscribed and sworn to before me this 29th day of January 1975.

Phyllis Gilman

Notary Public of Oregon

My commission expires 3-5-77

1300
4
1400

AFFIDAVIT

RECEIVED

FEB 26 1975

STATE ENGINEER
SALEM, OREGON

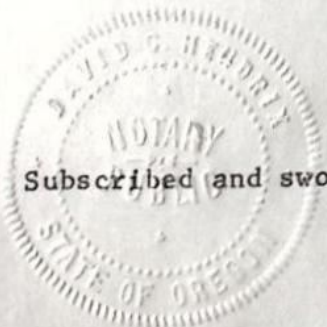
STATE OF OREGON)
) SS.
COUNTY OF JACKSON)

We, C.E. and Catherine N. Rosecrans, of 2798 Eric Avenue, Central Point, Oregon 97501, being first duly sworn, depose and say that we are the legal owners of the following described lands:

Lots 3, 4, and 5 in Block 2 of CRATER PARK SUBDIVISION in Jackson County, Oregon, according to the official plat thereof, now of record. EXCEPTING the North 19.0 feet of said Lot 3.

and the water right that is appurtenant thereto, which is for the use of not to exceed 0.0272 c.f.s. of water from Bear Creek for the irrigation of 2.18 acre's in SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 33, Township 36 South, Range 2 West, W.M., with a priority date of July 30, 1901; the right in question being shown in the Rogue River Decree, Page 6, Col. 3 in the name of Mrs. Frank McKee and evidenced by Certificate of Water Right 15902; that we have abandoned any and all interest in and to said water right and request the same to be cancelled.

IN WITNESS WHEREOF, we have hereunto set our hands this 21st day of January, 1975.



Subscribed and sworn to before me this 21st day of January, 1975.

+ Charles E. Rosecrans
+ Catherine N. Rosecrans

David C. Hendrix
Notary Public of Oregon
My commission expires Nov. 3, 1976

AFFIDAVIT

RECEIVED

FEB 26 1975

STATE ENGINEER
SALEM, OREGON

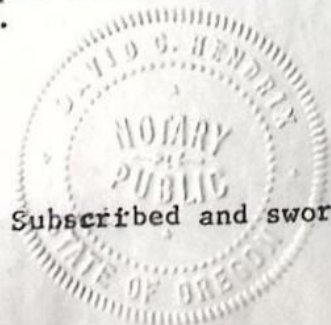
STATE OF OREGON)
) SS.
COUNTY OF JACKSON)

We, Gerald D. & Virginia L. Brotherston, of 2666 Eric Avenue, Central Point, Oregon 97501, being first duly sworn, depose and say that we are the legal owners of the following described lands: _____

Commencing at the northwest corner of Donation Land Claim No. 59 in Township 36 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon, thence South 89° 59' 30" East, along the north boundary of said Claim, 57.88 feet, thence South 0° 15' 20" West to and along the easterly right-of-way line of Pacific Highway No. 99, being 55.0 feet Easterly from and parallel to Engineer's relocated centerline tangent, a distance of 1799.88 feet, thence South 89° 59' 30" East 810.0 feet to the true point of beginning; thence North 0° 15' 20" East 238.0 feet; thence North 89° 59' 30" West 221.3 feet to the center of Jackson Creek; thence South 1° 45' East, along the center of said Jackson Creek 57.47 feet; thence South 16° 30' 00" East, along the center of said Jackson Creek, 188.32 feet; thence South 89° 59' 30" East 165.0 feet to the true point of beginning. EXCEPTING THEREFROM THE FOLLOWING: Beginning at the northeast corner of Lot 6 in Block 5 of CRATER PARK SUBDIVISION in Jackson County, Oregon, according to the official plat thereof, now of record; thence South 89° 59' 30" East, along the south line of the west "E11" of tract described in Vol. 575, page 308 of the Deed Records of Jackson County, Oregon, 221.3 feet to an interior corner of said tract; thence South 0° 15' 20" West, along the west line of the most southerly portion of said tract, a distance of 30.0 feet; thence North 87° 54' 30" West 220.65 feet to a point South 1° 45' East of the point of beginning; thence North 1° 45' West 21.99 feet to the point of beginning. _____

and the water right that is appurtenant thereto, which is for the use of not to exceed 0.0106 c.f.s. of water from Bear Creek for the irrigation of .85 acre in the SE¼, NE¼, Section 33, Township 36 South, Range 2 West, W.M., with a priority date of July 30, 1901; the right in question being shown in the Rogue River Decree, Page 6, Col. 3 in the name of Mrs. Frank McKee and evidenced by Certificate of Water Right 15902; that we have abandoned any and all interest in and to said water right and request the same to be cancelled.

IN WITNESS WHEREOF, we have hereunto set our hands this 23rd day of Jan., 1975.



Subscribed and sworn to before me this 23rd day of Jan, 1975.

Gerald D. Brotherston
Virginia L. Brotherston

David L. Hendrix
Notary Public of Oregon
My commission expires Nov. 3, 1976

AFFIDAVIT

RECEIVED
FEB 26 1975
STATE ENGINEER
SALEM, OREGON

STATE OF OREGON)
) SS.
COUNTY OF JACKSON)

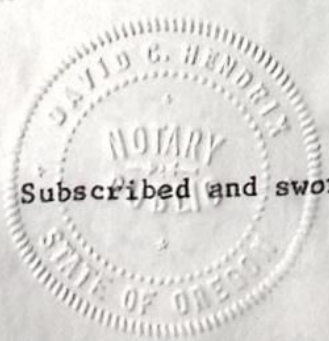
We, ~~James D. and Virginia L. Brotherston~~ ^{OK} Gerald D. and Virginia L. Brotherston, of 2666 Eric Avenue, Central Point, Oregon 97501, being first duly sworn, depose and say that we are the legal owners of the following described lands: _____

Commencing at the northeast corner of Lot Six (6) in Block Three (3) of CRATER PARK SUBDIVISION in Jackson County, Oregon, according to the official plat thereof, now of record; thence South 89° 59' 30" East, 221.30 feet; thence South 0° 15' 20" West, 52.00 feet to a 3/4" iron bolt for the true point of beginning; thence South 89° 59' 30" East, 160.00 feet to a 3/4" iron bolt; thence South 0° 15' 20" West, 186.00 feet to a 3/4" iron bolt; thence North 89° 59' 30" West, 160.00 feet to a 3/4" iron bolt; thence North 0° 15' 20" East, 186.00 feet to the true point of beginning. _____

and the water right that is appurtenant thereto, which is for the use of not to exceed 0.0085 c.f.s. of water from Bear Creek for the irrigation of .68 acre in SE 1/4, NE 1/4, Section 33, Township 36 South, Range 2 West, W.M., with a priority date of July 30, 1901; the right in question being shown in the Rogue River Decree, Page 6, Col. 3 in the name of Mrs. Frank McKee and evidenced by Certificate of Water Right 15902; that we have abandoned any and all interest in and to said water right and request the same to be cancelled.

IN WITNESS WHEREOF, we have hereunto set our hands this 23rd day of January, 1975.

Gerald D. Brotherston
Virginia L. Brotherston



Subscribed and sworn to before me this 23rd day of January, 1975.

David C. Hendrix
Notary Public of Oregon
My commission expires Nov. 3, 1976

STATE OF OREGON)
County of Jackson_) ss.

AFFIDAVIT

RECEIVED

FEB 26 1975

STATE ENGINEER
SALEM, OREGON

We, M. C. Lininger & Sons, Inc., by Jim Wright, Sec.-Treas., with mailing address of P. O. Box 1145, Medford, Oregon 97501, being first duly sworn, depose and say that we are the legal owners of the following described land:

Commencing at the northeast corner of Donation Land Claim No. 59 in Township 36 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence South, along the east line of said claim, 462.0 feet to the true point of beginning; thence West 1155.0 feet; thence North 198.0 feet; thence West, along the most northerly line of tract described in Volume 244 page 201 of the Deed Records of Jackson County, Oregon, to the northeasterly corner of tract described in Deed recorded as No. 67-02157 of the Official Records of Jackson County, Oregon; thence South 45° 04' West, along the easterly line of said tract; 2083.36 feet, more or less, to a point on the east line of said Claim No. 59; thence North, along said east line, 1397.88 feet to the true point of beginning. ALSO: Commencing at the Northwest corner of Donation Land Claim No. 59 in Township 36 South, Range 2 West of the Willamette Meridian, in Jackson County, Oregon, thence South 0° 15' 20" West 264.00 feet, thence South 89° 59' 30" East parallel with the North line of said Claim No. 59, a distance of 1104.93 feet to the northeasterly right-of-way boundary of the re-located Pacific Highway, as described in Volume 474, Page 34, of the Deed Records of Jackson County, Oregon, at a point on spiral curve, for the point of beginning; thence along said spiral curve right (the long chord of which bears South 45° 16' 40" East 227.43 feet) to the point of tangent; thence along said right-of-way boundary, South 45° 04' East 2033.35 feet, to the South line of tract described in Volume 244, page 201, said Deed Records; thence along said South line, South 89° 59' 30" East 708.03 feet, to a point 500.00 feet from, and at right angles to, said right-of-way boundary; thence North 45° 04' West parallel with said right-of-way boundary 2259.94 feet, to the North line of said tract described in Volume 244 Deeds, Page 201; thence along said North line, North 89° 59' 30" West 709.22 feet to the point of beginning. EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded in Volume 484, page 504, of the Deed Records of Jackson County, Oregon. Also, EXCEPTING therefrom any portion lying East of the East line of said Donation Land Claim No. 59.

and the water right that is appurtenant thereto, which is for the irrigation of 2.58 acres in NE¼ NE¼, Section 33, 14.6 acres in NW¼ NW¼, and 5.1 acres in SW¼ NW¼, Section 34, all in Township 36 South, Range 2 West, Willamette Meridian, Jackson County, Oregon, with priority date of July 30, 1901, for the use of 0.28 c.f.s. of water from Bear Creek, the right in question being initiated by Mrs. Frank McKee as set forth in the Rogue River Decree on Page 6, in Col. 3, and evidenced by Certificate No. 15902; that we have abandoned any and all interest in and to said water right and request the same to be cancelled.

IN WITNESS WHEREOF, I have hereunto set my hand this 15 day of JANUARY, 1975.

M. C. Lininger & Sons, Inc.

By Jim Wright Sec. -Treas.
Jim Wright, Sec.-Treas.

Subscribed and sworn to before me this 15th day of Jan 1975.

Rodney B. Miller
Notary Public of Oregon
My commission expires 3/24/78

AFFIDAVIT

RECEIVED

FEB 26 1975

STATE ENGINEER
SALEM, OREGON

STATE OF OREGON

County of Jackson

ss.

We, Wesley C. and Patricia C. Stanfield, of 2746 Eric Avenue, Central Point, Oregon 97501, being first duly sworn, depose and say that we are the legal owners of the following described land:

Lot Five (5) in Block Three (3) of CRATER PARK SUBDIVISION in Jackson County, Oregon, according to the official plat thereof, now of record.

and the water right that is appurtenant thereto, which is for 0.2 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, and 0.6 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of irrigation in Section 33, Township 36 South, Range 2 West, Willamette Meridian, with priority date of July 30, 1901, for the use of 0.01 c.f.s. of water from Bear Creek; the right in question being shown in the Rogue River Decree, Page 6, Col. 3 in the name of Mrs. Frank McKee and evidenced by Certificate of Water Right 15902; that we have abandoned any and all interest in and to said water right and request the same to be cancelled.

IN WITNESS WHEREOF, we have hereunto set our hands this

3rd day of May, 1974.

Wesley C. Stanfield

Patricia C. Stanfield

Subscribed and sworn to before me this 3rd day of

May, 1974.

Phyllis Gilman

Notary Public of Oregon

My commission expires 3-5-77

AFFIDAVIT

RECEIVED

FEB 26 1975

STATE ENGINEER
SALEM, OREGON

STATE OF OREGON)
County of Jackson) SS.

We, Murrey A. and Jeanette Dumas, of 2622 Eric Avenue, Central Point, Oregon 97501, being first duly sworn, depose and say that we are the legal owners of the following described lands:

PARCEL 1: Commencing at a point North 0° 51' 40" West, 45.30 feet from the Northeast corner of Lot 3, Block 3 of Crater Park Subdivision in Section 33, Township 36 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon, said point being the Northwest corner of premises described in Vol. 590, Page 7 of the Deed Records of Jackson County, Oregon; thence along the North line of said premises South 89° 59' 30" East, 435.88 feet to the Northeast corner of said premises and the true point of beginning; thence South 0° 15' 20" West along the East line of said premises, 210.0 feet to the Southeast corner thereof, thence South 89° 59' 30" East, 10.0 feet; thence south 0° 15' 20" West, 311.30 feet to a point on the North line of vacated Eric Avenue; thence South 89° 59' 30" East, 279.09 feet to a 5/8" iron pin at the Southeast corner of premises described in Volume 548, Page 473, said Deed Records; thence North 01° 07' 45" East, 474.16 feet to a 5/8" iron pin; thence North 46° 35' 45" West, 60.0 feet, more or less, to a point which bears South 89° 59' 30" East from the true point of beginning; thence North 89° 59' 30" West, 250.0 feet, more or less, to the true point of beginning.

PARCEL 2: Commencing at the Northeast corner of Lot 6, Block 3 of Crater Park Subdivision in Jackson County, Oregon; thence North 0° 38' West, 73.30 feet; thence South 89° 59' 30" East, 382.44 feet to a 3/4" iron bolt for the true point of beginning; thence continue south 89° 59' 30" East, 60.00 feet; thence South 0° 15' 20" West, 311.30 feet; thence North 89° 59' 30" West, 60.00 feet; thence North 0° 15' 20" East, 311.30 feet to the true point of beginning.

Also, commencing at the Northeast corner of Lot 6 in Block 3 of Crater Park Subdivision, in Jackson County, Oregon, according to the official plat thereof, now of record; thence North 0° 38' West along the East boundary of said Lot 3, a distance of 73.30 feet to the true point of beginning; thence South 89° 59' 30" East, 432.44 feet; thence North 0° 15' 20" East, 210.0 feet; thence North 89° 59' 30" West, 435.88 feet; thence South 0° 51' 40" East, 45.30 feet to the Northeast corner of said Lot 3; thence South 0° 38' East, 164.71 feet to the true point of beginning.

and the water right that is appurtenant thereto, which is for the use of not to exceed 0.08 c.f.s. of water from Bear Creek for the irrigation of 0.5 acre in NE¼ NE¼ and 5.4 acres in SE¼ NE¼ Section 33, Township 36 South, Range 2 West, W.M., with a priority date of July 30, 1901; the right in question being shown in the Rogue River Decree, Page 6, Col. 3 in the name of Mrs. Frank McKee and evidenced by Certificate of Water Right 15902; that we have abandoned any and all interest in and to said water right and request the same to be cancelled.

IN WITNESS WHEREOF, we have hereunto set our hands this 16th day of April, 1974.

Murrey A. Dumas

Jeanette A. Dumas

Subscribed and sworn to before me this 16th day of April, 1974.

David S. Brown
Notary Public of Oregon
My commission expires 1/8/75

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Mrs. Frank McKee

of Central Point, State of Oregon, has a right to the use of
the waters of Bear Creek, a tributary of Rogue River
for the purpose of irrigation of 109.3 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 July 30, 1901;

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 1.37 cubic feet 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:

~~17.8~~ → 19.1 acres in NW¹/₄ NW¹/₄ — 1.3 left
~~10.2~~ → 14.3 acres in SW¹/₄ NW¹/₄ — 4.1 left
 Section 34,
~~22.9~~ → 40 acres in NE¹/₄ NE¹/₄ — 17.1 left
~~10.5~~ → 13.3 acres in NW¹/₄ NE¹/₄ — 2.8 left
 5.9 acres in SW¹/₄ NE¹/₄
 12.1 → 4.6 → 16.7 acres in SE¹/₄ NE¹/₄ — 4.6
 Section 33,
 T. 36 S., R. 2 W., W. M.

~~84.0~~
 79.4 acres

109.3 ✓

~~25.3 ac~~
 29.9 acres

0.38 cfs

0.99 cfs

*Chg. in pt. of div. for
 these lands
 Sp. 90. v. 13, p. 313

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

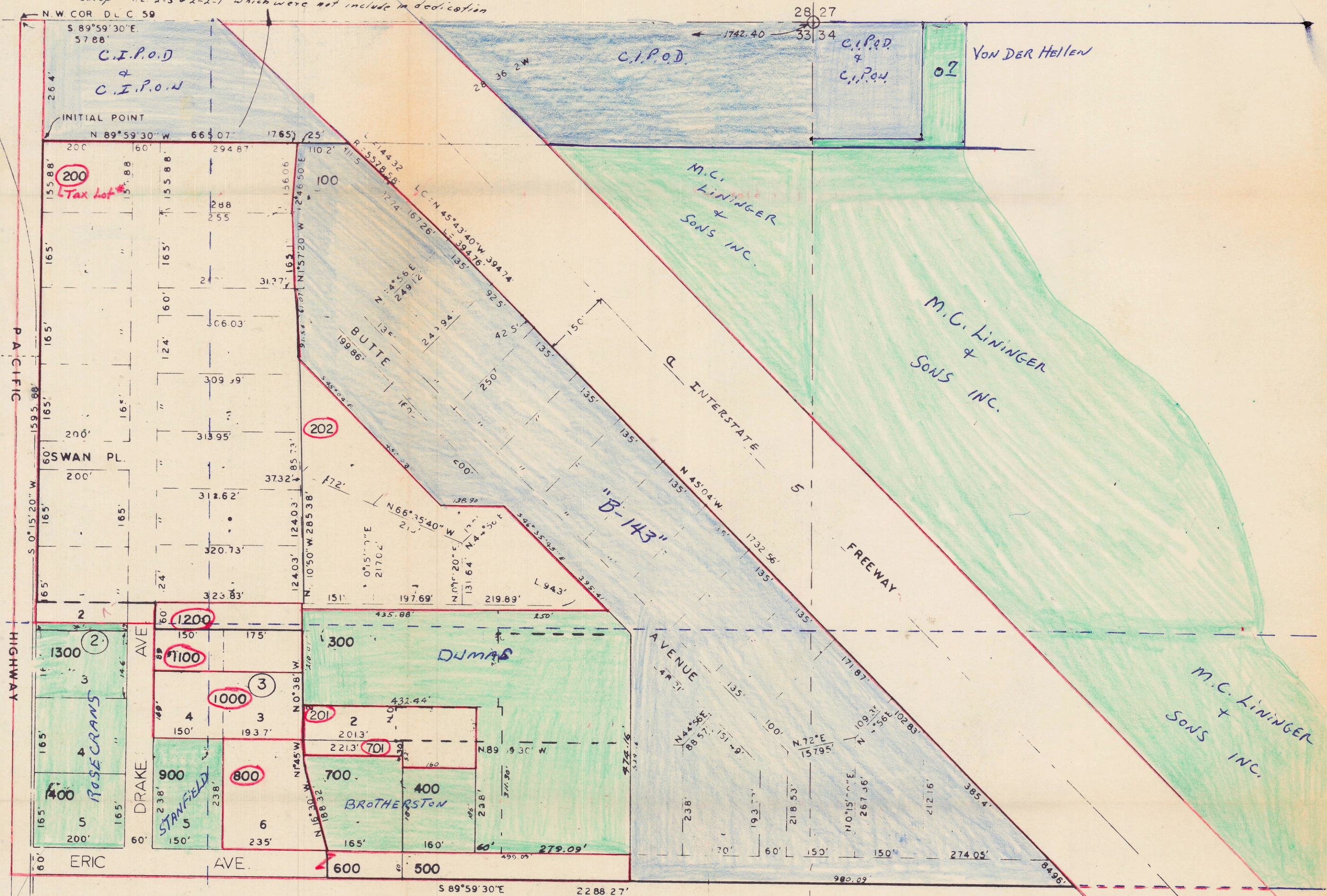
State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 15902

TRANSFERRED - "B-143" of 3168


SCALE 1" = 200'

(Note)
area inside of dark lines vacated from plot
except T42-3 62-2-1 which were not include in dedication



6-17

36 2 w 33

 CANCELLED BY AFFIDAVIT

☐ TO BE CANCELLED BY NOTICE

TRANSFERRED - "B-143" 4 3168

✓ E. 1/4 COR

365-2W-33 + 34

RECEIVED
FEB 26 1975
STATE ENGINEER
SALEM, OREGON

S. P. R. R.