

3635

STATUS OF APPLICATION

Change in POU & POD
Date filed 4-20-77
Date of hearing October 11, 1977
Place of hearing Medford, OR.
Date of order 10-28-77 Vol. 29, page 490
Date for application of water 10-1-79
Proof mailed JUN 5 1979
Proof received JAN 31 1978
Certificate issued OCT 26 1979 Vol. 37, page 45153
42, page 48667

DESCRIPTION OF WATER RIGHT

Name of stream Anderson Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 0.6
Name of ditch _____
Date of priority _____
In name of _____
Rogue River Adjudication, Vol. 3044, page 15
App. No. _____ Per. No. 16079 Cert. No. 41776
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-20-77</u>	<u>95.00</u>	<u>59839</u>
TOTAL . . .		
<u>10-21-77</u>	<u>\$2 Cert. Fee</u>	<u>Transferred from 59839</u>
<u>The Daily Tidings \$35.71 10/21/77 ck 1683</u>		

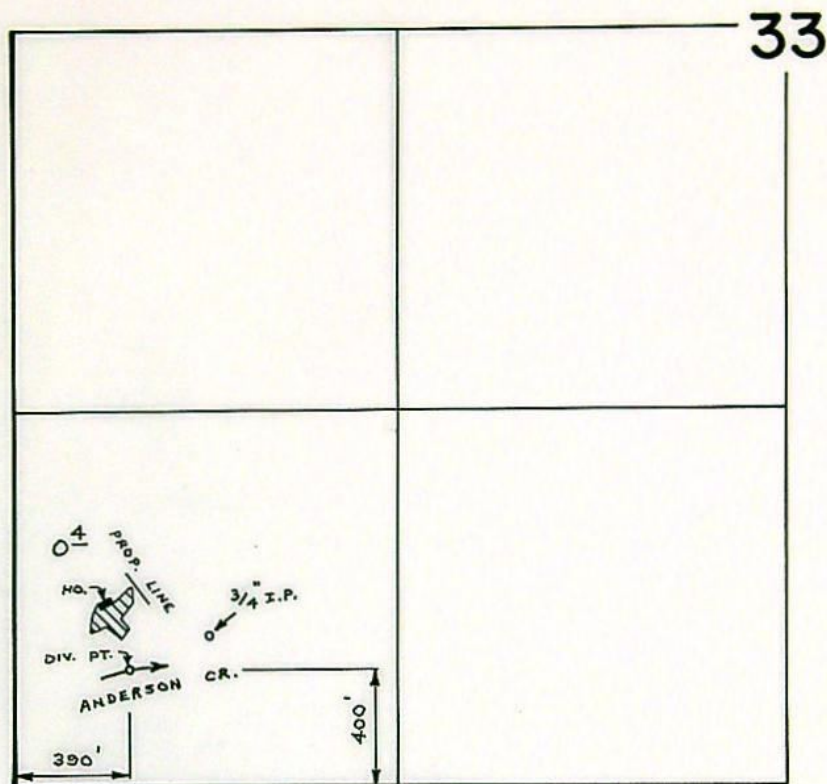
FEES REFUNDED

Date	Amount	Check No.
<u>10-21-77</u>	<u>\$12.29</u>	<u>1684</u>
Recd		<u>95-</u>
Exam 20		
POU 10		
POD 15		
Cert 2		
PON <u>35.71</u>		<u>82.71</u>

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>lg</u>	
<input checked="" type="checkbox"/>	Stream		<u>lg</u>	
<input checked="" type="checkbox"/>	Ft. of Div.		<u>lg</u>	
<input checked="" type="checkbox"/>	Calendar		<u>lg</u>	
CHECKED TO RECORDS:				
<input checked="" type="checkbox"/>	Twp. & Rge.		<u>lg</u>	
<input checked="" type="checkbox"/>	Deed-vault		<u>lg</u>	
<input checked="" type="checkbox"/>	Deed-safe		<u>lg</u>	
<input checked="" type="checkbox"/>	Cert. of W/R		<u>lg</u>	
<input type="checkbox"/>	Per. Folder			
<input type="checkbox"/>	Contindex			
<input type="checkbox"/>	Cross Ref.			
<input type="checkbox"/>	Power Claim			
<input checked="" type="checkbox"/>	Abstracts		<u>lg</u>	

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



SCALE : 1" = 660 FT.

FINAL PROOF SURVEY
UNDER

Transfer No. 3635

Application No. Permit No.
IN NAME OF

RICHARD & ROSEMARY STANEK

Surveyed SEPT. 11 1978, by B. SUND

D.H.M.

P.T.S. - 1978 - 14 - C

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
RICHARD J. AND ROSEMARY STANEK FOR)
APPROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER FROM)
ANDERSON CREEK)

ORDER APPROVING
TRANSFER NO. 3635

On April 20, 1977, an application was filed in the office of the Water Resources Director by Richard J. and Rosemary Stanek for changes in place of use and point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 41776, Volume 33, State Record of Water Right Certificates, in the name of Richard J. Stanek, describes a right which includes the use of not to exceed 0.015 cubic foot per second from Anderson Creek for irrigation of 0.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 39 South, Range 1 West, W.M., with a date of priority of 1892.

Water for the said right is diverted from a point located 1290 feet South and 760 feet West from the North quarter corner of Section 7, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7.

The applicants herein, owners of the lands above described, propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof, a certain 0.6 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 38 South, Range 1 West, W.M., from a point of diversion located 400 feet North and 480 feet East from the Southwest corner of Section 33, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33.

Notice of the application, pursuant to ORS 540.510, was published in the Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of August 17, 24 and 31, 1977.

1129
2190-472

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 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, and shall not exceed 0.015 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates 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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Richard J. Stanek and recorded at page 41776, Volume 33, 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 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 applicants herein.

Dated at Salem, Oregon, this 28th day of October, 1977.

/s/ James E. Sexson
Director

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

48

4555

and Rosemary

This Is to Certify, That RICHARD X STANEK

2922 Anderson Creek Rd.

97520

of ~~101 Scenic Drive,~~ ~~Highland~~ Talent, State of Oregon, has a right to the use of the waters of Anderson Creek

a tributary of Bear Creek for the purpose of irrigation of ~~1.5~~ ^{0.4} acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1892

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ~~0.0375~~ cubic foot per second, *if available at the original diversion point;* ^{0.01}

The point of diversion is located in the NE¹/₄ NW¹/₄, Section 7, T. 39 S., R. 1 W., W. M., ~~500 feet South and 300 feet West,~~ 1290 feet South and 760 feet West from N¹/₄ Corner, Section 7.

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

~~0.1 1.5 acres NE¹/₄ NW¹/₄~~
~~Section 7~~
~~T. 39 S., R. 1 W., W. M.~~
0.4 acre SW⁴/₄ SW⁴/₄
Sec 33
T 38 S R 1 W W M

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the ~~State Engineer~~ ^{WRB} entered ~~August 9, 1965,~~ ¹⁰⁻²⁸⁻⁷⁷ and together with the certificate recorded at page ~~33019,~~ ⁴⁵¹³³ Volume ~~25,~~ ³⁷ supersedes certificate of water right issued to Elizabeth Bristow and recorded at page ~~16079,~~ ⁴¹⁷⁷⁶ Volume ~~18,~~ ³³ State Record of Water Right Certificates.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date March 5, 1975.

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41776

48667

POD: SW⁴/₄ SW^{4/₄ Sec 33 T 38 S R 1 W W M, 400' N of 390' E from the SW cor Sec 33}

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,

County of Jackson,

ss.

I,Doris. Thompson....., being first duly sworn, depose and say that I am the printer of the ASHLAND TIDINGS, a daily newspaper of general circulation, printed and published in Ashland, in the aforesaid county and state; that such newspaper is made up of at least four pages of five columns of at least 17 3/4 inches in depth, or if smaller pages, then comprising an equivalent amount of type matter; that said newspaper was regularly and uninterruptedly published for at least one year immediately proceeding the first publication of the attached notice, and has more than 200 bona fied subscribers within the county in which it is published; that the notice of which the one hereto attached is a true and correct copy, viz;

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3435

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Richard J. and Rosemary Stanek for approval of changes in place of use and point of diversion from Anderson Creek.

The certificates recorded at page 41776, Volume 33, State Record of Water Right Certificates, in the name of Richard J. Stanek, describes a right which includes the use of not to exceed 0.015 cubic foot per second from Anderson Creek for irrigation of 0.6 acre in NE 1/4 NW 1/4 of Section 7, Township 39 South, Range 1 West, WM, with a date of priority of 1892.

Water for the said right is diverted from a point located 1290 ft. S and 760 ft. W from the NW 1/4 corner of Section 7, being within the NE 1/4 NW 1/4 of said Sec. 7.

The applicants herein, owners of the lands above described, propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 0.6 acre in SW 1/4 SW 1/4 of Sec. 33, T 38 S, R 1 W, WM, from a point of diversion located 400 ft. N and 480 ft. E from the SW corner of Sec. 33, being within the SW 1/4 SW 1/4 of said Sec. 33.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on October 11, 1977, 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 Richard J. and Rosemary Stanek, 2922 Anderson Creek Rd., Talent, OR 97540 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 9th day of August, 1977.

James E. Sexson
Director

Publish: August 17, 24, 31

was published in the regu
.....three successive
dated the17th d
issue dated ...31st. c

That the price actual

That a reduction of \$
charitable purposes.

Subscribed and sworn

newspaper once a week for
commencing with the issue
7.., and ending with the
..... 19 77....

as \$35.71.....
he legal rate was made for

Thompson
day of *August*, 19 77
James E. Sexson
ary Public for Oregon.
O. - 5 - 78.....)

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,

County of Jackson,

} ss.

I,Doris Thompson....., being first duly sworn, depose and say that I am the printer of the ASHLAND TIDINGS, a daily newspaper of general circulation, printed and published in Ashland, in the aforesaid county and state; that such newspaper is made up of at least four pages of five columns of at least 17 $\frac{3}{4}$ inches in depth, or if smaller pages, then comprising an equivalent amount of type matter; that said newspaper was regularly and uninterruptedly published for at least one year immediately proceeding the first publication of the attached notice, and has more than 200 bona fied subscribers within the county in which it is published; that the notice of which the one hereto attached is a true and correct copy, viz;



ok.
Jey

was published in the regular and entire issue of said newspaper once a week forthree successive and consecutive weeks, commencing with the issue dated the ...17th day of ..August..., 19.77..., and ending with the issue dated ...31st. day of ..August..... 19.77....

That the price actually charged for this notice was \$35.71.....

That a reduction of \$..... from the legal rate was made for charitable purposes.

Subscribed and sworn to before me this 31st day of August, 19.77

Doris Thompson
Notary Public for Oregon.

(My commission expires 10-5-78.....)