

3513 Harry and David
P.O. Box 712
Medford 97501

3513

STATUS OF APPLICATION

Change in point of diversion & place of use
Date filed 2/2/77
Date of hearing 5-25-77
Place of hearing Medford
Date of order 5-31-77 Vol. 29, page 72
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued OCT 17 1977 Vol. 36, page 44829
JUN 8 1986 49 54477
to survey 12/77

DESCRIPTION OF WATER RIGHT

Name of stream Bear Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 2065 Per. No. 1072 Cert. No. 20786
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2/2/77</u>	<u>\$ 130.00</u>	<u>57873</u>
TOTAL . . .		
	<u>\$2 Cert. Fee</u>	

Paid Newspaper (The Daily Tidings) Ch. # 1291 \$35.71

FEES REFUNDED

Date	Amount	Check No.
<u>4-27-77</u>	<u>47.29</u>	<u>1292</u>

Fees: Exam 20-
POU 10-
POD 15-
\$45-
cert 2-
PON 35 71
82 71

Surveyed 7/10/85

REMARKS

T-4782 A POD part of the right involved in T-3513

W.R.I.S.
Assembled 4/30/84 by CLN
Entered _____ by _____
Verified _____ by _____

INDEX CARDS:	Entered	Checked
<u>WH</u> Name	<u>✓</u>	<u>✓</u>
<u>WH</u> State	<u>✓</u>	<u>✓</u>
<u>WH</u> Pt. of Div.	<u>✓</u>	<u>✓</u>
<u>WH</u> Calendar	<u>✓</u>	<u>✓</u>
CHANGED TO REG.		
Typ. Age	<u>log</u>	<u>✓</u>
Recon. cost	<u>✓</u>	<u>✓</u>
Recon. date	<u>✓</u>	<u>✓</u>
Card. of W.R.	<u>✓</u>	<u>✓</u>
Per. order	<u>✓</u>	<u>✓</u>
Chail. dex	<u>✓</u>	<u>✓</u>
Cron. Ref.	<u>✓</u>	<u>✓</u>
Power claim	<u>✓</u>	<u>✓</u>
Abstracts	<u>✓</u>	<u>✓</u>

404

From C# 2012
to
C# 20786

- (1) M-37 Pod
- (2) B-35 Bear Cr. Imp. Co. POD
- (3) D-49 Dugan POD
- (4) S-59 Steiger POD
- (5) D-50 DeYoung POD
- (6) M-89 McCulloch POD

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is To Certify, That BEAR CREEK IMPROVEMENT CO., THOMAS G. VELLA, JOE DUGAN, F. A. STEIGER, HENRY De YOUNG, RALPH D. McCULLOCH AND GRACE C. McCULLOCH of State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Bear Creek a tributary of 184¹/₂ Rogue River for the purpose of Irrigation of ~~280~~ 280 acres of ~~land~~ under Permit No. 1072 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 5, 1912

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ~~3.5~~ cubic feet per second

2.3

or its equivalent in case of rotation, measured at the point of diversion from the stream. The points of diversion are located within the SW¹/₄ SW¹/₄ and SE¹/₄ SW¹/₄ of Section 30, Township 38 South, Range 1 East, W.M.; SW¹/₄ NE¹/₄, NE¹/₄ NW¹/₄ and NE¹/₄ SE¹/₄ of Section 25, Township 38 South, Range 1 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ~~one-eightieth~~ 4¹/₂ of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

7.5 acres in SW¹/₄ NW¹/₄
3.1 acres in NW¹/₄ SW¹/₄
14.1 acres in SW¹/₄ SW¹/₄
Section 30,
T. 38 S., R. 1 E., W.M.

5.0 acres in NE¹/₄ NE¹/₄
22.0 acres in NW¹/₄ NE¹/₄
24.2 acres in SW¹/₄ NE¹/₄
27.1 acres in SE¹/₄ NE¹/₄
32.0 acres in NE¹/₄ NW¹/₄
6.5 acres in NW¹/₄ NW¹/₄
12.0 acres in SE¹/₄ NW¹/₄
2.5 acres in NE¹/₄ SE¹/₄
14.2 acres in NW¹/₄ SE¹/₄
14.0 acres in SE¹/₄ SE¹/₄
Section 25,
T. 38 S., R. 1 W., W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 20786, Volume 15, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on May 31, 1977, approving transfer application No. 3513.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

T#3513

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF HARRY AND DAVID FOR APPROVAL)
OF A CHANGE IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER FROM)
BEAR CREEK)

ORDER APPROVING
TRANSFER NO. 3513

On February 2, 1977, an application was filed in the office of the Water Resources Director by Harry and David for a change 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 20786, Volume 15, State Record of Water Right Certificates, in the name of Bear Creek Improvement Co., et al, describes a right which includes the use of not to exceed 1.20 cubic feet per second from Bear Creek for irrigation of 24.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 19.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 38 South, Range 1 East, W.M.; 9.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 11.9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 25.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 38 South, Range 1 West, W.M., with a date of priority of February 5, 1912.

Water for the said right is diverted from three points located (1) North 70 degrees, 36 minutes East, 2058.8 feet from the Southwest corner of Section 30, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 38 South, Range 1 East, (2) 1150 feet North and 28 feet East from the Southwest corner of Section 30, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 38 South, Range 1 East, and (3) South 9 degrees 12 minutes West, 3588.8 feet from the Northeast corner of Section 25, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 38 South, Range 1 West, W.M.

The applicants herein, owners of the lands above described, proposes to sever the water right from a certain 1.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 30 and 1.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.0 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25, and, without

loss of priority, to irrigate in lieu thereof a certain 2.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 30.

The applicants also propose to change from the three above described points of diversion to one point of diversion located 1060 feet North and 150 feet West from the Southeast corner of Section 25, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 38 South, Range 1 West, W.M., for irrigation of all of the above described lands, being 27.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 18.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 38 South, Range 1 East, W.M.; 9.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 11.9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 24.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.0 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 38 South, Range 1 West, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Ashland Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of March 31, April 7 and 14, 1977.

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 objection 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, is 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 points of diversion under the subject right, and shall not exceed 1.20 cubic feet 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:

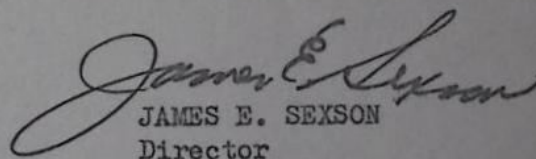
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 Bear Creek Improvement Co., et al and recorded at Page 20786, Volume 15, 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 applicant herein.

Dated at Salem, Oregon, this 31st day of May, 1977.


JAMES E. SEXSON
Director

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;

(ADVERTIS

TORI
ROO

II of the BROWNS, who signed
field during this no-rule
s he believes Miami should
sated and he's willing to sit
talk with the Dolphins.

RECEIVED

APR 15 1977

WATER RESOURCES DEPT.
SALEM, OREGON

was published in the regular and entire issue of said newspaper once a week for
.....three successive and consecutive weeks, commencing with the issue
dated the ...31st. day of ...March....., 19.77., and ending with the
issue dated ...14th. day ofApril..... 1977.....

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 14th day of April, 19.77

Notary Public for Oregon.

(My commission expires10-5-78.....)

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 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. 3513

Notice is given hereby that Harry and David have filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from Bear Creek.

Certificate of water right recorded at Page 20786, Vol. 15, State Record of Water Right Certificates, in the name of Bear Creek Improvement Co., et al, describes an existing right of record which includes the use of not to exceed 1.20 cubic feet per second from Bear Creek for irrigation of a certain 95.8 acres located in S 1/2 NE 1/4 and SE 1/4 of Sec. 25, and W 1/2 SW 1/4 of Sec. 30, T. 38 S., R. 1 W., W.M., with a date of priority of Feb. 5, 1912.

Water for the said right is diverted from three points located (1) N. 70 degree 36 minutes E., 2058.8 ft. from the SW corner of Sec. 30, being within the SE 1/4 SW 1/4 of Sec. 30, T. 38 S., R. 1 E., and (3) S. 9 degrees 12 minutes W., 3588.8 ft. from the NE corner of Sec. 25, being within the NE 1/4 SE 1/4 of Sec. 25, T. 38 S., R. 1 W., W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion to a point located 1060 ft. N. and 150 ft. W. from the SE corner of Sec. 25, being within the SE 1/4 SE 1/4 of Sec. 25, T. 38 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on May 25, 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 Harry & David, PO Box 712, Medford, Oregon 97501, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS 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 21st day of March, 1977.

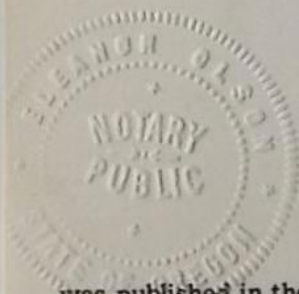
JAMES E. SEXSON
Director

Publish. Mar. 31, Apr. 7, 14

RECEIVED

APR 15 1977

WATER RESOURCES DEPT.
SALEM, OREGON



was published in the regular
.....three successive a
dated the ...31st. day
issue dated ...14th. day
That the price actually
That a reduction of \$..
charitable purposes.

Subscribed and sworn t

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\$5.71
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Thompson.....
y of 19.7.7
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y Public for Oregon.
.....(10.5-78.....)

STATE OF OREGON

COUNTY OF JACKSON

SPOR. Y29 P72

(T-3513)

CERTIFICATE OF WATER RIGHT

HARRY & DAVID

This Is To Certify, That BEAR CREEK IMPROVEMENT CO., THOMAS G. VELLA, JOE INGAN, F. A. STEIGER, HENRY De YOUNG, RALPH D. McCULLOCH AND GRACE C. McCULLOCH of PO Box 712 MEDFORD, State of Oregon 97501 has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of

Bear Creek

a tributary of 958 Rogue River

for the purpose of

Irrigation of 200 acres of land

under Permit No. 1972

of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 5, 1912

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

1.2 cubic feet per second, if available at the original points of diversion, N 70° 36' E, 2058.8', SE 1/4 SW 1/4 Sec 30 T38S, R1E W1
1150' N & 28' E both from SW cor Sec 30, NE 1/4 Sec 25, T38S, R1W W1, S 9° 12' N 3588.8' from NE cor Sec 25

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the See below dd w/m W. Dingman DLC 72, ad w/m T. White DLC 73, Southern- 1130' N & 60' W, Northern- 2000' N & 980' W both from SE cor Sec 25

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eighth of one cubic foot per second per acre 4 1/2 ac. ft

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Southern Diversion Point

3.2 acres ad

0.5 acre dd

Sec 25

T38S R1W W1

27.1 acres bc

18.2 acres cc

2.0 acres bdc

Sec 30

T38S R1E W1

LANDS OF BEAR CREEK IMPROVEMENT CO.

13.6 acres in SW 1/4 SW 1/4

7.0 acres in NW 1/4 SW 1/4

Section 30,

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

5.0 acres in NW 1/4 NE 1/4

6.0 acres in NW 1/4 NE 1/4

10.4 acres in SW 1/4 NE 1/4

2.0 acres in SW 1/4 NE 1/4

0.5 acre in NE 1/4 SE 1/4

9.0 acres in SE 1/4 SE 1/4

6.0 acres in NW 1/4 SE 1/4

Section 25,

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

Northern Diversion Point

9.8 acres ca

11.9 acres da

20.8 acres ad

1.8 acres bd

0.5 acre dd

Sec 25

T38S R1W W1

The point of diversion for the irrigation of the lands of Bear Creek Improvement Co., is located in the SE 1/4 SW 1/4, Section 30, Township 38 South, Range 1 East, W. 1.

(over)

54477

LANDS OF F. A. STEIGER

14.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
3.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
6.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 25,
T. 38 S., R. 1 W., N. H.

The point of diversion for the irrigation of the lands of F. A. Steiger is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 38 South, Range 1 West, N. H.

NOTE: This certificate is issued to confirm a change in place of use of water approved by an order of the State Engineer entered April 4, 1945, and changes in points of diversions of water approved by orders of the State Engineer entered June 9, 1943, March 9, 1948, August 17, 1948, August 18, 1948 and April 18, 1952, pursuant to the provisions of ORS 510.510 to 510.530, and supersedes certificate of water right heretofore issued to U. G. Davis, Wm. H. Hurley and W. A. Stratton and recorded at Page 2012, Volume 3, State Record of Water Right Certificates.

THIS CERTIFICATE IS ISSUED TO CONFIRM A CHANGE IN PLACE OF USE AND POINT OF DIVERSION APPROVED BY THE ORDERS OF THE WRD ENTERED MAY 31, 1977 and AUGUST 4, 1981 AND TOGETHER WITH CERTIFICATE OF WATER RIGHT RECORDED AT PAGE 44829 Vol 36 SRWEC, SUPERSEDES CERTIFICATE 20786.

THE ISSUANCE ETC.

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 3rd day of June, 1955

(Signed) F. A. STEIGER State Engineer