

3530

STATUS OF APPLICATION

Change in POINT OF DIVERSION  
Date filed 2-16-77  
Date of hearing August 9, 1978  
Place of hearing Medford  
Date of order 8-17-78 Vol. 31, page 165  
Date for application of water 10-1-79  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued SEP 15 1978 Vol. 39, page 46397

JUL 24 1992 67617

to survey 10/79

DESCRIPTION OF WATER RIGHT

Name of stream ASHLAND CREEK  
Trib. of \_\_\_\_\_ County of Jackson  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 2 5  
Name of ditch Rogers Ditch  
Date of priority 1886  
In name of Co. E. English  
Rogue River Adjudication, Vol. 4, page 12  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 16009  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

OK Cert

FEES PAID

Date	Amount	Receipt No.
<u>2/16/77</u>	<u>\$ 80.00</u>	<u>58179</u>
TOTAL . . .		
<u>8-14-78</u>	<u>2<sup>nd</sup> Cert. Fee</u>	<u>Transfr 58179</u>
<u>The Daily Tidings \$33.81 pd 8-14-78 ck #2535</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>8-14-78</u>	<u>9.19</u>	<u>2534</u>
Exam <u>20.00</u>		
POD <u>15.00</u>		
Cert Fee <u>2.00</u>		
PON <u>33.81</u>		
<u>70.81</u>		

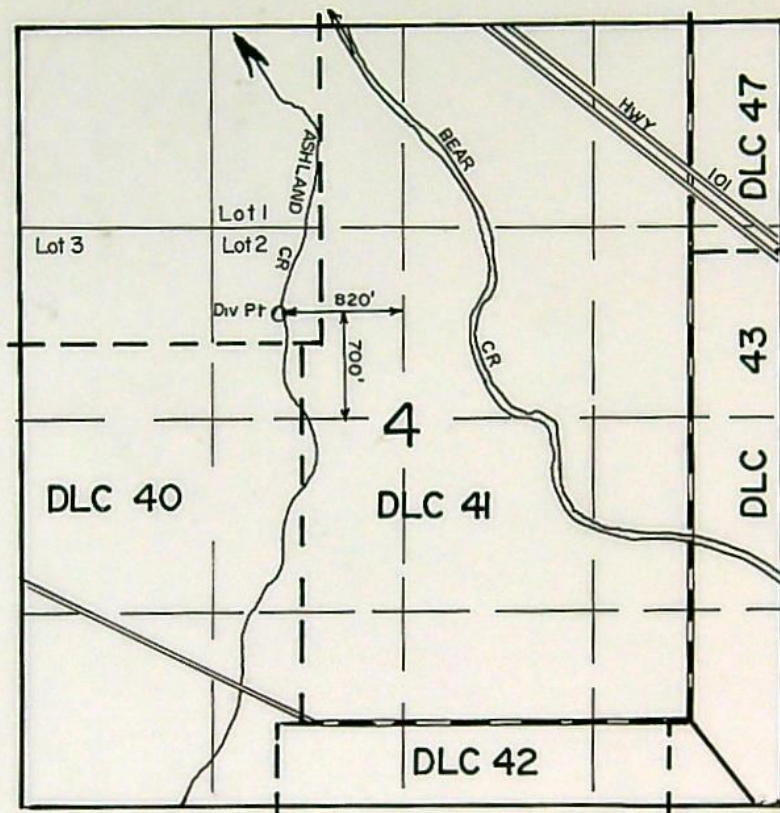
REMARKS

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"/>	Pt. of Div.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Calendar	<u>lg</u>	_____
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:		
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Decree-vault	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Decree-safe	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Cert. of W/R	<u>lg</u>	_____
<input type="checkbox"/>	Per. Folder	_____	_____
<input type="checkbox"/>	Chaindex	_____	_____
<input type="checkbox"/>	Cross Ref.	_____	_____
<input checked="" type="checkbox"/>	Power Claim	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Abstracts	<u>lg</u>	_____

W.R.I.S.	
Assembled <u>7-3-85</u>	by <u>lg</u>
Entered _____	by _____
Verified _____	by _____



T.39S., R.1E., W. M.



SCALE: 1"=1320'

**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. 3530

Application No. .... Permit No. ....  
IN NAME OF

**HAROLD & FLORENCE KEENER**

Surveyed SEPT. 14, 1989, by B.S. JAMES



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF HAROLD & FLORENCE KEENER FOR )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 3530

On February 16, 1977, an application was filed in the office of the Water Resources Director by Harold and Florence Keener for approval of a change in point of diversion from Ashland Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16009, Volume 13, State Record of Water Right Certificates, in the name of C. E. English, describes a right which includes the use of not to exceed 0.05 cubic foot per second from Ashland Creek for irrigation of 2.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 39 South, Range 1 East, W.M., with a date of priority of 1886.

The authorized point of diversion of record is located 1260 feet South and 930 feet West from the Center Corner of Section 4, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4, Township 39 South, Range 1 East, W.M. (Rogers Ditch).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 700 feet North and 820 feet West from the Center Corner of Section 4, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 39 South, Range 1 East, W.m.

Notice of the application, pursuant to ORS 540.520(2), was published in The Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of June 19 and 26; and July 3, 1978.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in 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 change in 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 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:

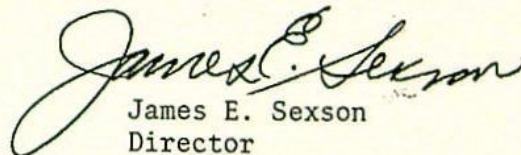
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right recorded at page 16009, 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 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 17th day of August, 1978.

  
James E. Sexson  
Director

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STATE OF OREGON  
COUNTY OF JACKSON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HAROLD AND FLORENCE KEENER  
128 EAST NEVADA STREET  
ASHLAND, OREGON 97520

confirms the right to use the waters of ASHLAND CREEK, a tributary of BEAR CREEK, for the purpose of IRRIGATING 2.5 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 13, at page 16009. The date of priority is 1886.

The right is limited to not more than 0.05 CUBIC FOOT PER SECOND. 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.

The point of diversion is located as follows:

LOT 2, (SE 1/4 NW 1/4), SECTION 4, T 39 S, R 1 E, W.M.; 700 FEET NORTH AND 820 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 4.

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

LOT 2 (SE 1/4 NW 1/4) 2.5 ACRES  
SECTION 4  
TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.

The following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

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.

SEE NEXT PAGE

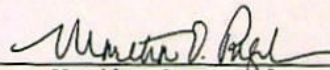


This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered AUGUST 17, 1978, and together with Certificate 46397, supersedes Certificate 16009, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed JULY 24, 1992.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 67617.



COUNTY OF JACKSON

This Is to Certify, That C. E. English

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 1886;

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:

15 ~~4~~ acres in ~~SE~~<sup>1</sup>/<sub>4</sub> ~~NW~~<sup>1</sup>/<sub>4</sub> -  
Section 4,  
T. 39 S., R. 1 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 16009, Volume 13, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Aug 17, 1978, approving transfer application No. 3530.

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 16009

T # 3530

(46397) new RR. cut.



# 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. 3530

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Harold & Florence Keener for approval of a change in point of diversion from Ashland Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16009, Volume 13, State Record of Water Right Certificates, in the name of C.E. English, describes a right which includes the use of not to exceed 0.05 cubic foot per second from Ashland Creek for irrigation of 2.5 ac in SE 1/4 NW 1/4 of Sec 4, T 39S, R 1E, WM, with a date of priority of 1886.

The authorized point of diversion of record is located 1260 ft S & 930 ft W from the Center Corner of Sec 4, being within the NE 1/4 SW 1/4 of Sec 4, T 39S, R 1E, WM (Rogers Ditch).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 700 ft N & 820 ft W from the Center Corner of Sec 4, being within the NE 1/4 SW 1/4 of Sec 4, T 39S, R 1E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on August 9, 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 Harold & Florence Keener, 128 E. Nevada St., Ashland, OR 97520; 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 13th day of June, 1978.

James E. Sexson  
Director

Publish: June 19, 26, July 3

was published in the re-  
suee success  
dated the 19th  
issue dated 3rd

That the price actu-  
That a reduction of  
charitable purposes.

Subscribed and sw

d newspaper once a week for  
commencing with the issue  
78., and ending with the

19.78...  
was \$ 33.81

n the legal rate was made for

Thompson  
day of June, 1978

Notary Public for Oregon.

10-5-78



**AFFIDAVIT OF PUBL**  
**STATE OF OREGON.**

County of Jackson.

I, Doris Thoburn, do hereby certify that I am the printer and proprietor of the circulation, printed and published by me, that such newspaper is 17 $\frac{3}{4}$  inches in depth, composed of type matter; that said newspaper has been for at least one year in the hands of the printer, notice, and has more than once been published; that the number of copies is 100, viz:

[illegible]

st duly sworn, depose and say  
a daily newspaper of general  
the aforesaid county and state;  
pages of five columns of at least  
prising an equivalent amount  
and uninterruptedly published  
first publication of the attached  
s within the county in which it  
o attached is a true and correct

RECEIVED  
JUL 18 1978  
WATER RESOURCES DEPT  
SALEM, OREGON

was published in the regular and entire issue of said newspaper once a week for  
 ..... successive and consecutive weeks, commencing with the issue  
 dated the 19th day of June, 1978, and ending with the  
 issue dated 3rd day of July, 1978.

That the price actually charged for this notice was \$ 33.81

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

Subscribed and sworn to before me this 3<sup>rd</sup> day of July 1978

Notary Public for Oregon.

(My commission expires 10-5-78.)