

3376 John L. J. Per.
5310 Jabilma Road

3376

STATUS OF APPLICATION

Change in point of diversion
Date filed 3-19-76
Date of hearing June 1, 1976
Place of hearing Grants Pass
Date of order 2-13-76 Vol. 27, page 302
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued Aug 30, 1976 Vol. 35, page 43597
OCT 26 1979 42 48678
to survey 10/77

DESCRIPTION OF WATER RIGHT

Name of stream East Fork Illinois River
Trib. of _____ County of Josephine
Use irrigation
Quantity of water _____ No. of acres 11 1/2
Name of ditch Bennett Ditch
Date of priority 1857
In name of Guy Fetterly
Illinois River Adjudication, Vol. 13, page 106
App. No. _____ Per. No. _____ Cert. No. 13855
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-19-76</u>	<u>35.00</u>	<u>52033</u>
<u>3-19-76</u>	<u>55.00</u>	<u>52034</u>
<u>6-26-76</u>	<u>(4.00)</u>	<u>52034</u>
TOTAL . . .	<u>86.00</u>	
<u>6-25-76</u>	<u>* 5.00</u>	
	Cert. Fee	<u>52034</u>

* (Refunded \$2.00 9/29/76 see below)
FEES REFUNDED

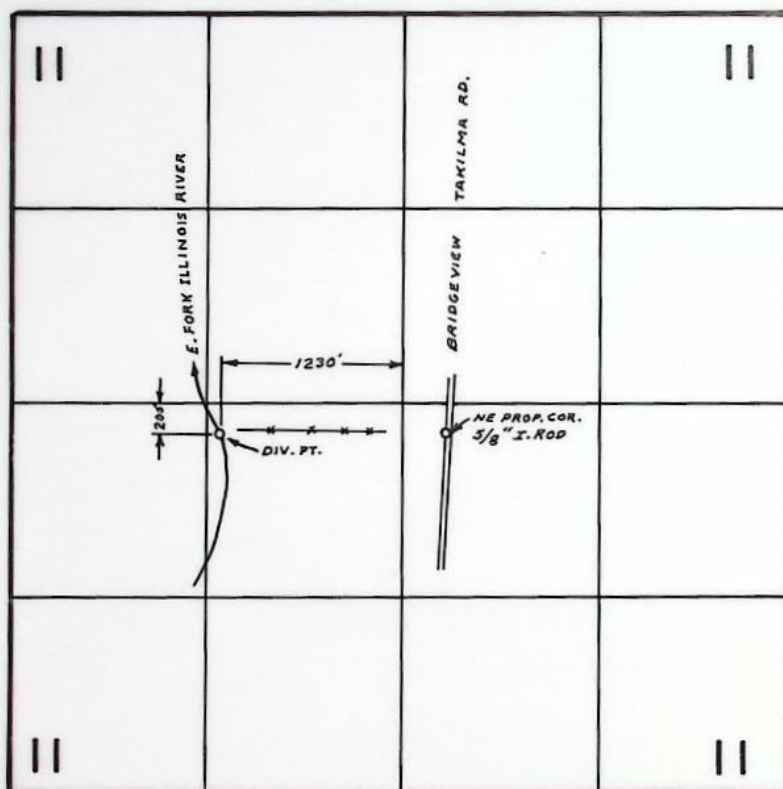
Date	Amount	Check No.
<u>6-25-76</u>	<u>\$ 23.23</u>	<u>669</u>
<u>9/29/76</u>	<u>\$ 2.00</u>	<u>52034</u>

REMARKS

See Transfer 3131 involves part of same right

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

T. 40 S., R. 8 W., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 3376

Application No. _____ Permit No. _____
IN NAME OF

JOHN L. IKER

Surveyed AUG. 7 78 by B. SUND
19.....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION }
OF JOHN L. IKER FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM EAST FORK ILLINOIS }
RIVER }

ORDER APPROVING
TRANSFER NO. 3376

On March 19, 1976, John L. Iker filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from East Fork Illinois River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Guy Fetterly and recorded at Page 13855, Volume 12, State Record of Water Right Certificates, confirms a right to the use of water from East Fork of Illinois River for the irrigation of, among other lands, 11.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.20 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 40 South, Range 8 West, W.M., with a date of priority of 1857. These lands are irrigated by means of the Bennett ditch from a point of diversion located 2640 feet South and 1360 feet East from the Northwest corner of Section 14, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 40 South, Range 8 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 235 feet South and 1300 feet West from the center corner of Section 11, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 40 South, Range 8 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Grants Pass, Oregon, on June 1, 1976, at 9:30 a.m.

The notice was published in the Cave Junction Illinois Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of April 7, 14 and 21, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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

No objection 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 change in point of diversion of water from East Fork Illinois River, to wit:

From a point located 2640 feet South and 1360 feet East from the Northwest corner of Section 14, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 40 South, Range 8 West, W.M.

To a point to be located 235 feet South and 1300 feet West from the center corner of Section 11, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 40 South, Range 8 West, W.M.

for the irrigation of 11.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.20 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 40 South, Range 8 West, W.M., with a date of priority of 1857, is approved.

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, 1977.

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 and shall not exceed one cubic foot per second for each 50 acres of land irrigated during the irrigation season from April 1 to November 1 of each year.

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

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

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Guy Fetterly and recorded at Page 13855, Volume 12, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to John L. Iker confirming the change in point of diversion.

Dated at Salem, Oregon, this 13th day of July, 1976.

/s/ JAMES E. SEXSON
Director

Gibraltar Onion Skin
MILLERS FALLS

ALL COTTON

30648 40-8-11 301

KNOW ALL MEN BY THESE PRESENTS, That CLIFFORD H. ELLIS and BARBARA L. ELLIS,
husband and wife

_____ hereinafter called the grantor,
for the consideration hereinafter stated to the grantor paid by JOHN L. IKER and CHARLOTTE P. IKER
_____, husband and wife,
hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the
entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and
appurtenances thereunto belonging or appertaining, situated in the County of Josephine, State of
Oregon, described as follows, to-wit:

The North Half of the following described property: The Northeast Quarter of
the Southwest Quarter, LESS the North 185 feet thereof; and that portion of the
Northwest Quarter of the Southeast Quarter lying West of Bridgeview-Takilma Road,
LESS the North 185 feet; thereof, all in Section 11, Township 40 South, Range 8
West of the Willamette Meridian, Josephine County, Oregon.

RECEIVED

MAR 19 1976

WATER RESOURCES DEPT.
SALEM, OREGON

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety,
their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is
lawfully seized in fee simple of the above granted premises, free from all encumbrances except rights of way
granted to the California Oregon Power Co. by instrument recorded Oct. 29, 1948 in
Vol. 143, Page 264, Josephine County Deed Records.

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against
the lawful claims and demands of all persons whomsoever, except those claiming under the above described
encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 15,000.00

~~However, the actual consideration consists of or includes other property or value given or promised which is~~ part of the
~~consideration (indicate which):~~ the deed

In construing this deed and where the context so requires, the singular includes the plural, the masculine in-
cludes the feminine and the neuter and, generally, all grammatical changes shall be made, assumed and implied to
make the provisions hereof apply equally to corporations and to individuals.

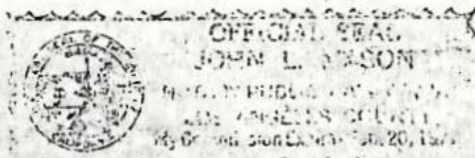
Witness their hands and seals this FOURTH day of OCTOBER, 1973

Clifford H. Ellis (SEAL) Barbara L. Ellis (SEAL)
_____, (SEAL) _____, (SEAL)

STATE OF ~~OREGON~~ CALIFORNIA
County of Los Angeles } ss

October 4, 1973

BEFORE ME PERSONALLY appeared the above named CLIFFORD H. ELLIS and
BARBARA L. ELLIS, husband and wife
and acknowledged the foregoing instrument to be their voluntary act and deed.



John L. Mason
Notary Public for ~~OREGON~~ CALIFORNIA
My Commission expires: Feb 20, 1977

WARRANTY
DEED

Stat
Cou
I h
at
recd
JOSI
CRA
By MAXINE FOSTER Co. Clerk
Deputy
JSM 1-4-77
Records of Josephine County, Oregon.
at Page 498 of Vol. 291
and Recorded 1973
COUNTY CLERK
JOSEPHINE COUNTY OREGON



State of Oregon,
County of Josephine,) ss. No. 14535
I, County Clerk and ex-officio Recorder
of Conveyances, in and for said County,
do hereby certify that the within instru-
ment was received for record at
OCT 16 73 PM
4:35

RETURN TO
Mr. & Mrs. John L. Iker
22500 Schoolcraft St.
Canoga Park, California
91307
GRANTS PASS, OREGON
P. - MEDFORD, OREGON

BRS 8-7-78
TTS-1978-14-C

County JOSEPHINE

2. Source of Supply E Fk Illinois River, Trib. of

4. Use irrigation

6. Place of Use

[illegible]

INFO: TALKED TO IHER'S SON

PUMP: JACUZZI 3"X3"

MOTOR: WISCONSON GAS 10? HP

DIV. PT.: PIPE IN CREEK

PIPE: MAIN: 480'-3"-AL
280'-3"-AL

LAT: 640'-2"-AL

SPRINKLERS: 20 - ZB 30 - $\frac{1}{64}$ "
ALL MAX

LIFT: 4' SUCTION 4' PUMP

USE: BARLEY

TIE: PTS-1978-14-C

Bruce R. Smith

F.E. 8-7-78

$$\frac{10(6.61)}{114 + 8} = 0.54 \text{ c.f.s.} /$$

$$\frac{20(5.17)}{450} = 0.25 \text{ c.f.s.} /$$

$1'' = 400'$

T.3376

[illegible]

SEE MAP 40 8 10

REF
3.85-42

RECEIVED

MAR 19 1976

WATER RESOURCES DEPT.
SALEM, OREGON

T-3376

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, JOHN L. IHER 5310 TAKILMA RD.
(Name of applicant)

of CAVE JUNCTION County of JOSEPHINE
(Postoffice)

State of OREGON, do hereby make application for 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 EAST FORK OF ILLINOIS RIVER
(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 BENNETT DITCH

4. The point of diversion is located 2640 ft. S and 1360 ft. E from the NW
(N. or S.) (E. or W.)

corner of SECTION 14 being within the SE 1/4 NW 1/4
(Section or subdivision)

of Section 14 Tp. 40 S R. 8 W W. M., in the County of JOSEPHINE
(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
T40S	8W	11									11.5					.20		

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? 18.57

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

of permit

10. Do you hold a water right certificate? YES If so, give number of certificate 13855
(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 ILL. RV. DECREE
(Yes or No)

12. Is the water right recorded in your name? GUY FETTERLY
(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 $\frac{1}{4}$

(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 235 ft. S and 1300 ft. W from the CENTER
(N. or S.) (E. or W.)
corner of SEC. 11 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11 Tp. 40 S R. 8 W W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of JOSEPHINE The name of the ditch to be used is PUMP PLANT

15. Are you the owner of the land on which the proposed point of diversion is to be located? YES

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.

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 CHANGE TO SPRINKLER
SYSTEM AND TO DIVERT AT CLOSEST POINT OF USE.

AFFIDAVIT OF APPLICANT

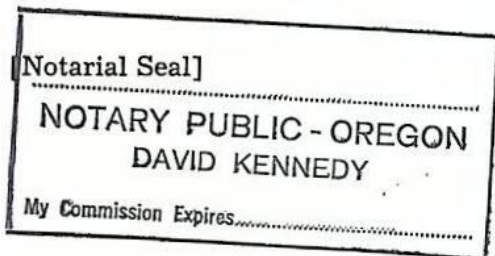
STATE OF OREGON,
County of JOSEPHINE } ss.

I, JOHN L. IKER, 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 16 day of MARCH, 1976

John L. Iker
(Name of applicant)

Subscribed and sworn to before me this 16th day of March, 1976



David Kennedy
NOTARY PUBLIC FOR OREGON

My commission expires 2-25-77

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.

RECEIVED

OCT 4 - 1977

WATER RESOURCES DEPT
SALEM, OREGON

Transfer No. 3376

NOTICE OF COMPLETION OF CONSTRUCTION

I, JOHN L. IHER hereby certify

that the construction work has been completed and the change in point of
diversion of water made as set forth in the order of the Water Resources
Director dated 13TH OF JULY 1976, approving an application
for a change in point of diversion of water from EAST FORK
ILLINOIS RIVER.

SEPT. 30, 1977
Date

John L. Iher
Name

OK Jue

PUBLIC NOTICE

NOTICE OF
FILING APPLICATION
FOR A CHANGE
IN POINT OF DIVERSION
OF WATER

Notice is given hereby that John L. Iker has filed an application for the approval of a change in point of diversion of water from East Fork Illinois River.

Certificate of water right issued to Guy Fetterly and recorded at Page 13855, Volume 12, State Record of Water Right Certificates, confirms a right to the use of the waters of East Fork Illinois River for the irrigation of, among other lands, 11.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.20 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 40 S., R. 8 W., W.M., with a date of priority of 1857.

These lands are irrigated from a point of diversion located 2640 ft. S. and 1360 ft. E. from the NW corner of Sec. 14, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 14, T. 40 S., R. 8 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 235 ft. S. and 1300 ft. W. from the center corner of Sec. 11, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 11, T. 40 S., R. 8 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on June 1, 1976, 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 John L. Iker, 5310 Takilma Road, Cave Junction, Oregon, and one copy filed with the Water Resources Director, Salem, Oregon, 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 Director upon request.

Dated at Salem, Oregon, this 30th day of March, 1976.

JAMES E. SEXSON

Director

Publish: April 7, 14, 21, 1976

Affidavit of Publication

STATE OF OREGON,
County of Josephine

} ss.

I, L. Joan Brant, being first duly sworn, depose and say I am the forman of the printers of the Illinons Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined in Section 58, Oregon Laws, that legal notice change in water diversion point - Iker a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weekly issues on the following dates: April 7, 14, 21, 1976

L. Joan Brant

Subscribed and sworn to before me this 3 day of June, 1976

Walter E. McLean
Notary Public for Oregon

(My Commission expires June 16, 1978)

RECEIVED

JUN - 8 1976

WATER RESOURCES DEPT
SALEM, OREGON



WATER RESOURCES DEPARTMENT

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

ROBERT W. STRAUB
GOVERNOR

April 6, 1976

JAMES E. SEXSON
Director

WATER POLICY REVIEW
BOARD

EMERY N. CASTLE
Chairman
Corvallis

CHAPIN D. CLARK
Vice Chairman
Eugene

GEORGE H. PROCTOR
Klamath Falls

ANN W. SQUIER
Portland

RICHARD ROY
Portland

JAMES HILL
Arch Cape

JEAN FROST
Portland

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

Attention: Trevor Jones

Dear Trevor:

T-3376

In my opinion, the proposed change in point of diversion in the name of John L. Iker, located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 40 S., Range 8 West, priority date 1857, may be made without injury to existing rights. I suggest that pumping provision #2 be included in the order.

Yours truly,

Robert B. Steimer
Watermaster, District #14

RBS/sj

RECEIVED
APR 7 1976
WATER RESOURCES DEPT.
SALEM, OREGON

3

2

ALTHOUSE CREEK
DEMOCR

W.O. Kohler

Geo. Hawk

2²3²2¹

E.F. Crouch

RIVER

ILLINOIS

24⁵3⁶

Guy Fetterly

18¹0⁶

Note: Streams &
in the vicinity of
are sketched.
location

Witness tree

5

14

3¹

EAST FORK



LITTLE ELDER

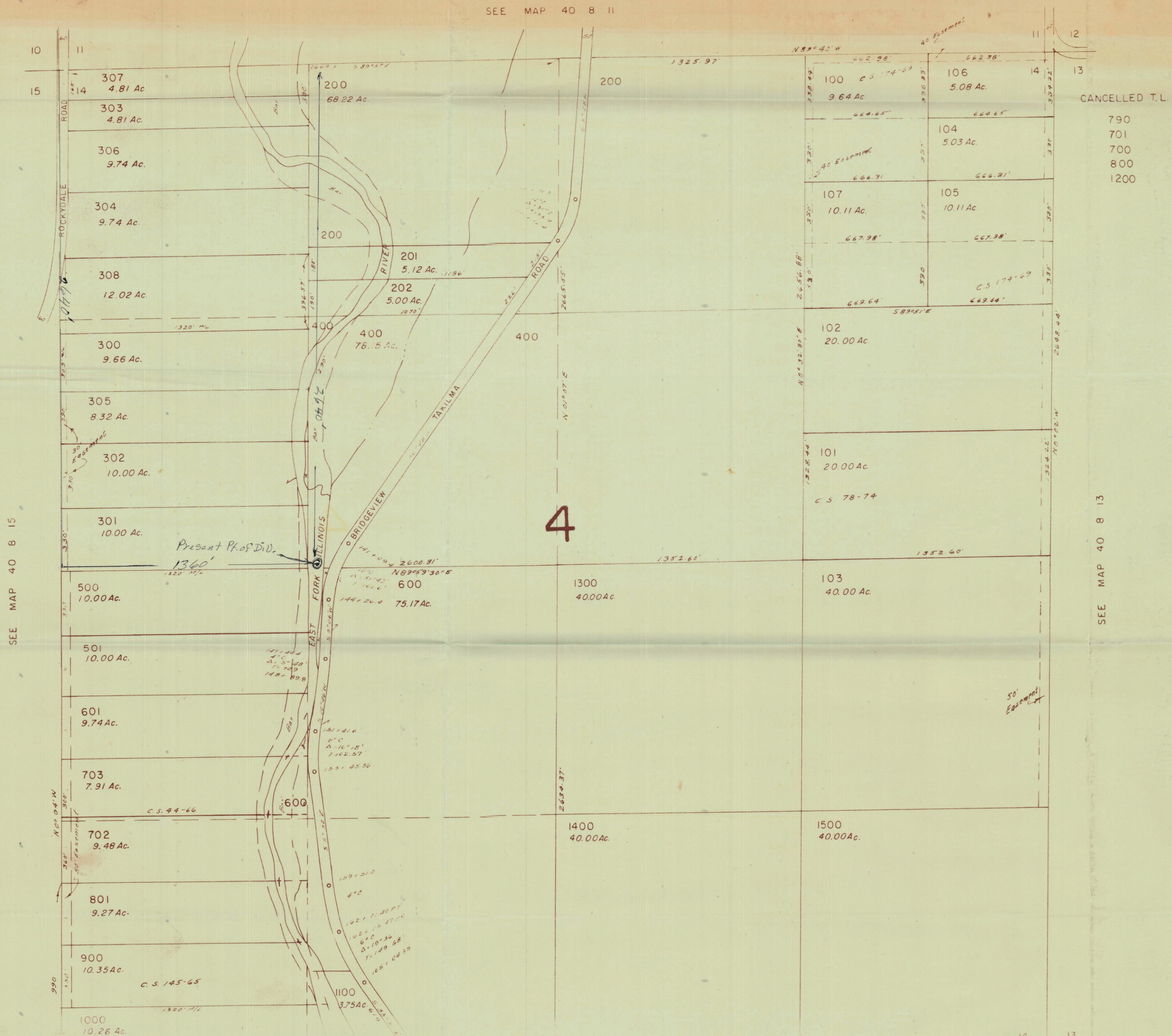
ELDER CREEK

2³

Y CREEK

0¹2⁴

SEE MAP 40 8 11



CANCELLED T.L.

790
701
700
800
1200

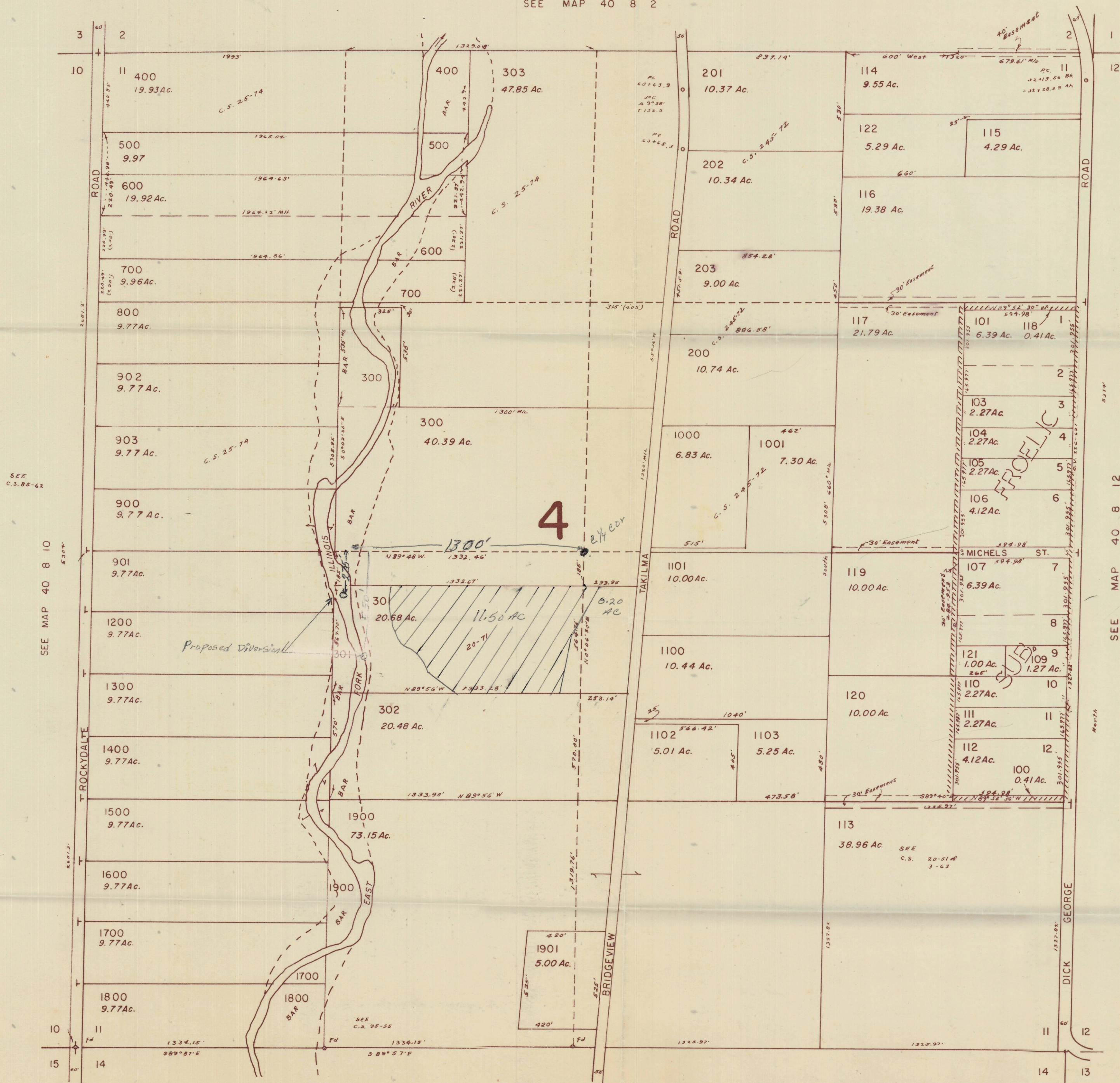
SEE MAP 40 8 13

40 8 14

RECEIVED
MAR 7 9 10 30
WATER

1"=400'

SEE MAP 40 8 2



CANCELLED T.L.

501
102
190
191
108

SEE MAP 40 8 12

SEE MAP 40 8 14

RECEIVED
MAR 19 1976
WATER RESOURCES DEPT.
SALEM, OREGON