

Name Jessie Phelps, Clinton R. Phelps & Jerry Othie/s/ Allen A. Alsing, Director of Public WorksAddress City of AshlandAshland, OR 97520Change in POD, POU & UseDate filed Dec. 29, 1977Date of hearing March 7, 1978Place of hearing MedfordDate of order 3-7-78 Vol. 30, page 448Date for application of water 10-1-79

Proof mailed

Proof received

Certificate issued 5-1-78 Vol. 30, page 45508

JUL 24 1992 67618

to survey 6/78

3856

DESCRIPTION OF WATER RIGHT

Name of stream Ashland CreekTrib. of _____ County of JacksonUse Irr. to Mun (Irr. Season)Quantity of water _____ No. of acres 2.9 ac.Name of ditch Million DitchDate of priority 1856In name of Million Ditch UsersRogue Adjudication, Vol. 4, page 12App. No. _____ Per. No. _____ Cert. No. 36818 (6000)

Certificate cancelled

Notation made on record by OK Cert

FEES PAID

Date	Amount	Receipt No.
12-29-77	\$ 110-	463
TOTAL . . .		
2-14-78	\$2 Cert. Fee	Trans fr 463
The Daily Tidings \$39.05 pd 2-16-78 CR# 1991		

FEES REFUNDED

Date	Amount	Check No.
2-16-78	\$ 18.95	#1992
Exam.	20	
Use	15	
POD	15	
Cert	2	
POW	29.05	
	91.05	

REMARKS

INDEX CARDS: Entered Checked

TO BE ENTERED WHERE CHECKED	✓	Name	lcj	_____
	✓	Stream	lcj	_____
	✓	Pt. of Div.	lcj	_____
	✓	Calendar	lcj	_____
	✓	Checked to Records	lcj	_____
	✓	Twp. & Rge.	lcj	_____
	✓	Deed-vault	lcj	_____
	✓	Deed-safe	lcj	_____
	✓	Cert. of W/R	lcj	_____
	✓	Per. Folder	lcj	_____
	✓	Chaindex	lcj	_____
	✓	Cross Ref.	lcj	_____
	✓	Power Claim	lcj	_____
	✓	Abstracts	lcj	_____

W.R.I.S.

Assembled 6-28-85 by SOA

Entered _____ by _____

Verified _____ by _____

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF ASHLAND
CITY HALL
27½ MAIN STREET
ASHLAND, OREGON 97520

confirms the right to use the waters of ASHLAND CREEK, a tributary of BEAR CREEK, for MUNICIPAL USE.

This right was 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 4, at Page 1. The date of priority is 1856.

The use is limited to 0.04 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

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 0.04 cfs, being limited to the irrigation season of each year.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 20, T 39 S, R 1 E, W.M.; 100 FEET NORTH AND 10 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 20.

A description of the place of use to which this right is appurtenant is as follows:

WITHIN THE CITY LIMITS OF ASHLAND
SECTIONS 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, AND 23
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 wateruser 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.

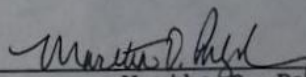
SEE NEXT PAGE

This certificate is issued to confirm a change in POINT OF DIVERSION, PLACE OF USE, AND USE HERETOFORE MADE OF THE WATER approved by an order of the Water Resources Director entered MARCH 7, 1978, and together with Certificate 45508, supersedes Certificate 36818, 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 is 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 67618.

T-3856.LMS

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
JESSIE PHELPS, CLINTON R. PHELPS AND)
JERRY OTHIC FOR APPROVAL OF CHANGES)
IN POINT OF DIVERSION, PLACE OF USE)
AND USE HERETOFORE MADE OF WATER)

ORDER APPROVING
TRANSFER NO. 3856

On December 29, 1977, an application was filed in the office of the Water Resources Director by Jessie Phelps, Clinton R. Phelps and Jerry Othic for approval of changes in point of diversion, place of use and use heretofore made of water from Ashland Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 36818, Volume 28, State Record of Water Right Certificates, in the name of Million Ditch Users, describes a right which includes the use of not to exceed 0.04 cubic foot per second from Ashland Creek for irrigation of a certain 1.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 39 South, Range 1 East, W.M., with a date of priority of 1856.

Water for the said right is diverted, through the Million Ditch, from a point located 225 feet South and 925 feet East from the Northwest Corner of Section 9, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 39 South, Range 1 East, W.M.

The applicants herein, owners of the lands above described, proposed to change the point of diversion, place of use and use heretofore made therefrom and, without loss of priority, to hereafter use the water for municipal purposes within the City of Ashland, within Sections 4, 5, 8, 9, 10, 11, 14, 15, 16, 17 and 23, Township 39 South, Range 1 East, W.M., from a point of diversion located 100 feet North and 10 feet West from the Southeast Corner of Section 20, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 39 South, Range 1 East, W.M.

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 January 10, 17 and 24, 1978.

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

No objections having been filed and it appearing that the proposed changes in point of diversion, place of use and use heretofore made may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in point of diversion, place of use and use heretofore made, as described herein, 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 0.04 cubic foot per second, being limited to the irrigation season of each year.

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:

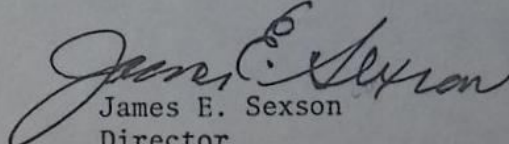
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Million Ditch Users and recorded at page 36818, Volume 28, 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 City of Ashland.

Dated at Salem, Oregon, this 7th day of March, 1978.


James E. Sexson
Director

6-18-73

cert. is valid

FRG

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MILLION DITCH USERS

c/o Harry A. Skerry, Jr., Attorney at Law
 of 76 North Pioneer Street, Ashland, State of Oregon, has a right
 to the use of the waters of Ashland Creek

a tributary of Bear Creek for the purpose of
 irrigation of ~~18.0~~ acres / 5.1 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 1856

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 0.27 cubic foot per
 second 0.23

The point of diversion is located in the

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

~~38~~ 5.7 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ - ~~1.2~~
 8.3 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
~~38~~ 4.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ - ~~1.2~~
 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 36818, Volume 28, State Record of Water Right
 Certificates, NOT modified by the provisions of an order of the Water Resources
 Director entered on March 7, 1978, approving transfer application No. 3856.

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

to the use of water for irrigation and supersedes the certificate heretofore issued
 to Million Ditch Users.

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 July 6

1970

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 28, page 36818

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;

BEEF LIVER
Country Style Pork
SPARERIBS
nd Cut Family Pack
PORK CHOPS
ade Rite Fresh Pork
SAUSAGE
ade Rite Sliced, 4 Va
SOLOGNA
asers, 1 lb. Roll
SHILI ROLLS
utcher Boy, 3 Varieti

RECEIVED
FEB 1 0 1978

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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 ...10th. day of ... January, 1978., and ending with the
issue dated ...24th. day of ... January..... 19 78...

That the price actually charged for this notice was \$39.05.....

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

Subscribed and sworn to before me this 30th day of January 19 78

Notary Public for Oregon.

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

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;

NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 3856

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Jessie Phelps, Clinton R. Phelps and Jerry Othic for approval of changes point of diversion, place of use and use heretofore made of water from Ashland Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 36818, Volume 28, State Record of Water Right Certificates, in the name of Million Ditch Users, describes a right which includes the use of not to exceed 0.04 cubic foot per second from Ashland Creek for irrigation of a certain 1.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.0 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 4, T39 S, R1E, WM, with a date of priority of 1856.

Water for the said right is diverted, through the Million Ditch, from a point located 225 ft S and 925 ft E from the NW Corner of Sec 9, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 9, T 39 S, R 1 E, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion, place of use and use heretofore made therefrom and, without loss of priority, to hereafter use the water for municipal purposes within the City of Ashland, within Sections 4, 5, 8, 9, 10, 11, 14, 15, 16, 17 and 23, T 39 S, R 1 E, WM, from a point of diversion located 100 ft N and 10 ft W from the SE Corner of Sec 20, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 20, T 39 S, R 1 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on March 7, 1978, at 9:30 a.m. All objections to the proposed changes, 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 Jessie Phelps, Clinton R. Phelps and Jerry Othic, c/o Allen A. Alsing, Director of Public Works, City of Ashland, Ashland, OR 97520 and one copy filed with the Water Resources Department, Salem, OR 97310, together with \$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. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 3rd day of January, 1978.
James E. Sexson
Director
Publish: Jan. 10, 17, 24, 1978

was published in the regu
.... three... successive
dated the ... 10th. d
issue dated ... 24th. 1

That the price actual
That a reduction of \$
charitable purposes.

Subscribed and sworn

newspaper once a week for
commencing with the issue
... and ending with the
..... 19 78 ...
is \$39.05
the legal rate was made for

Thompson
day of January 19 78
and
ary Public for Oregon.
..... 10-5-78.....)