

3767

Name **ASSIGNED**  
Malcolm C. Blackhall

By \_\_\_\_\_

Address 1805 Southside Rd.  
Grants Pass, Or 97526Change in POUDate filed Sept. 1, 1977

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order 12-19-77 Vol. 30, page 197Date for application of water 10-1-79Proof mailed NOV 5 1986 JUL 26 1994

Proof received \_\_\_\_\_

Certificate issued 8/61 LT RAV Vol. \_\_\_\_\_, page 45298MAY 17 199568488

## DESCRIPTION OF WATER RIGHT

Name of stream Iron GulchTrib. of \_\_\_\_\_ County of JosephineUse Irr.Quantity of water \_\_\_\_\_ No. of acres 44Name of ditch Iron Creek DitchDate of priority 1902In name of Thomas KeithRogue Riv. Adjudication, Vol. 4, page 25(1)App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 16281

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>9-1-77</u>	<u>\$ 35.00</u>	<u>63647</u>
<u>assign 3-20-96</u>	<u>10.00</u>	<u>000673</u>
TOTAL . . .		
<u>12-22-77</u>	<u>2 Cert. Fee</u>	<u>trans from 63647</u>

## FEES REFUNDED

Date	Amount	Check No.
<u>12-22-77</u>	<u>\$ 3.00</u>	<u>1862</u>
Exam	20	
A POU	10	
Cert	2	
	32-	

## REMARKS

CARD FOR C DEC 26 1979

Form 130 sent DEC 19 1986

2nd Reminda letter Sent; MAR 26 1987ASSIGNED, See Misc. Rec., Vol. By deed 3/20/96to: Eldon + Pamela Ulmer ph (916) 585-2491  
4537 Grass Valley Hwy.  
Auburn, CA 95602

W.R.I.S.

Assembled 6-21-85 by RA

Entered \_\_\_\_\_ by \_\_\_\_\_

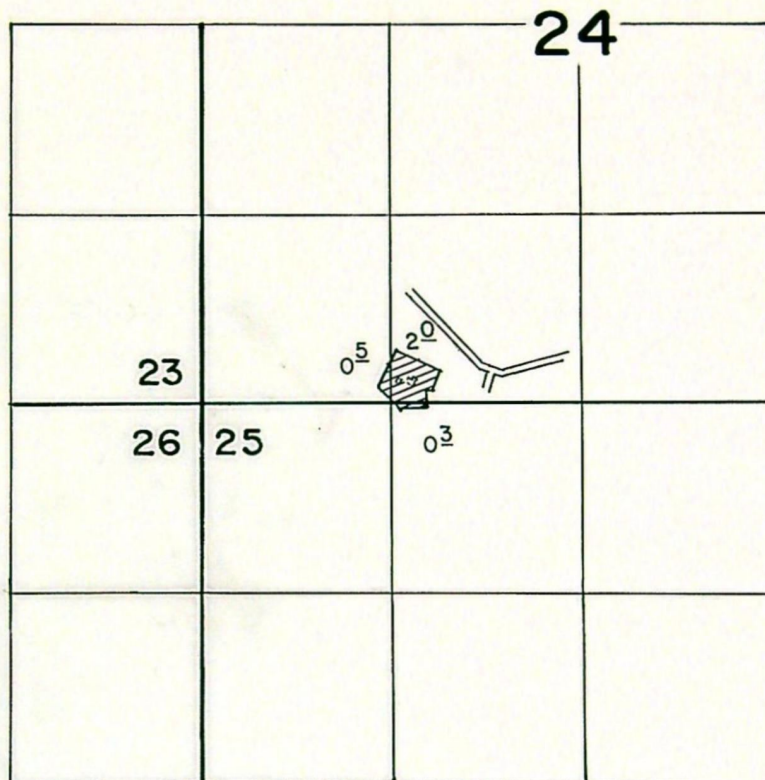
Verified \_\_\_\_\_ by \_\_\_\_\_

INDEX CARDS: Entered Checked

✓	Name	<u>lg</u>	_____
✓	Stream	<u>lg</u>	_____
✓	Pt. of Div.	<u>lg</u>	_____
✓	Calendar	<u>lg</u>	_____
✓	CHECKED TO RECORDS:		
✓	Twp. & Rge.	<u>lg</u>	_____
✓	Deeds-vault	<u>lg</u>	<u>lg</u>
✓	Deeds-sale	<u>lg</u>	_____
✓	Cert. of W/R	<u>lg</u>	_____
✓	Per. Folder	_____	_____
✓	Guidance	_____	_____
✓	Grant Ref.	_____	_____
✓	Power Claim	<u>lg</u>	_____
✓	Abstracts	_____	_____



T. 37S., R. 6 W., W.M.



DIVERSION: IRON CREEK DITCH - 1540' S & 1020' W from  
N<sup>1</sup>/<sub>4</sub> cor Sec 25

**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. 3767

IN NAME OF

**MALCOMB C. BLACKHALL**

Surveyed JUNE 16, 1982, by B. R. SUND



## STATE OF OREGON

COUNTY OF JOSEPHINE

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

THOS. LEITH

of Murphy, State of Oregon, 97533, has  
a right to the use of the waters of Panther Creek, Packers Gulch, and Iron Gulch

a tributary of Applegate River for the purpose of  
irrigation of 11 acres in Tract No. 1, irrigation of 0.25 acre and domestic use  
in Tract No. 2, and irrigation of 4.6 acres in Tract No. 3

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 WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the  
right thereby confirmed dates from July 22, 1894 for Tract No. 1, 1893 for Tract No. 2,  
and April 4, 1902 for Tract No. 3  
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 0.22 cubic foot per  
second for Tract No. 1, 0.03 cubic foot per second for Tract No. 2, and 0.092  
cubic foot per second for Tract No. 3.

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:

Tract No. 1  
6.00 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 23  
2.00 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
3.00 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 24  
T. 37 S., R. 6 W., W. M.

Tract No. 2  
0.25 acre NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 24  
T. 37 S., R. 6 W., W. M.

Tract No. 3  
3.10 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 24  
1.50 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 25  
T. 37 S., R. 6 W., W. M.

This certificate describes that portion of the water right confirmed by the prior  
certificate recorded at page 16281, Volume 13, State Record of Water Right  
Certificates, NOT modified by the provisions of an order of the Water Resources  
Director entered on December 19, 1977, approving transfer application No. 3767.

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 Water Resources Director, affixed

this date March 17, 1978.

James E. Sexson

Water Resources Director



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION )  
OF MALCOLM C. BLACKHALL FOR AP- )  
PROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM IRON GULCH )  
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ORDER APPROVING  
TRANSFER NO. 3767

On September 1, 1977, an application was filed in the office of the Water Resources Director by Malcolm C. Blackhall for approval of a change in place of use from Iron Gulch, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16281, Volume 13, State Record of Water Right Certificates, in the name of Thos. Leith, describes a right which includes the use of not to exceed 0.088 cubic foot per second from Iron Gulch for irrigation of a certain 4.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 24, Township 37 South, Range 6 West, W.M., with a date of priority of April 4, 1902.

Water for the said right is diverted, through the Iron Creek Ditch, from a point located 1540 feet South and 1020 feet West from the North Quarter Corner of Section 25, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, Township 37 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 4.4 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 25.

Mr. Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

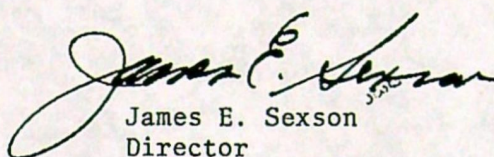
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Thos. Leith and recorded at page 16281, 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 applicant herein.

Dated at Salem, Oregon, this 19th day of December, 1977.

  
James E. Sexson  
Director



STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MALCOMB C. BLACKHALL  
C/O BONITA J. BLACKHALL  
1805 SOUTHSIDE ROAD  
GRANTS PASS, OREGON 97527

confirms the right to use the waters of IRON GULCH, a tributary of APPLGATE RIVER (FOR TRACT NO. 3), for IRRIGATION OF 2.8 ACRES.

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 APRIL 4, 1902 FOR TRACT 3.

The use is limited to 0.06 CUBIC FOOT PER SECOND FOR TRACT NO. 3 or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NW 1/4, SECTION 25, T 37 S, R 6 W, W.M.; IRON CREEK DITCH - 1540 FEET SOUTH AND 1020 FEET WEST FROM THE N 1/4 CORNER OF SECTION 25.

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

SW 1/4 SW 1/4      0.5 ACRE  
SE 1/4 SW 1/4      2.0 ACRES  
SECTION 24

NE 1/4 NW 1/4      0.3 ACRE  
SECTION 25  
TOWNSHIP 37 SOUTH, RANGE 6 WEST, W.M.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered DECEMBER 19, 1977, and together with Certificate 45298, supersedes Certificate 16281, 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  
MAY 17, 1995.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 68488.

T-3767.JS



Superseded by  
45298

## STATE OF OREGON

COUNTY OF JOSEPHINE

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That Thos. Leith

of Murphy

, State of Oregon,

, has a right to the use of

the waters of Panther Creek, a tributary of Applegate River, for Tract No. 1, Packers Gulch, a tributary of Panther Creek, for Tract No. 2, and Iron Gulch, a tributary of Applegate River, for Tract No. 3, for the purpose of irrigation of 11 acres in Tract No. 1, irrigation of 0.25 acre and Domestic use in Tract No. 2, and irrigation of 9 acres in Tract No. 3, 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 July 22, 1894 for Tract No. 1, 1893 for Tract No. 2, and Apr. 4, 1902 for Tract No. 3;

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 0.22 cubic foot per second for Tract No. 1, 0.03 cubic foot per second for Tract No. 2, and 0.18 cubic foot per second for Tract No. 3.

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:

Tract No. 1

6 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 23,  
2 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
3 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 24,  
T. 37 S., R. 6 W., W. M.

Tract No. 2

0.25 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 24,  
T. 37 S., R. 6 W., W. M.

Tract No. 3

7.5 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 24,  
1.5 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 25,  
T. 37 S., R. 6 W., W. M.

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, 19 49.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16281