

DAVID LELAND HARRINGTON,
ADELE STAR HARRINGTON &
ROSIE MAYES
9270 HIGHWAY 62
EAGLE POINT, OR 97524

3836

DESCRIPTION OF WATER RIGHT

Name of stream Unnamed Gulch & Mayes Reservoir
Trib. of _____ County of Jackson
Use rec. to in.
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. R-39681 Per. No. R-3965 Cert. No. 34478
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
11-14-77	75 ⁰⁰	65010
7-28-77	25 ⁰⁰	Transfer from T-2680 29968
TOTAL . . .		
	No Cert. Fee	
Medford Mail Tribune \$38.57 on 12/14/77 ck #1838		

FEES REFUNDED

Date	Amount	Check No.
12-14-77	\$ 31.43	1839
	Exam 20	
	DUSE 10	
	PON 38.57	
	68.57	

Change in USE & POW
Date filed 11-14-77
Date of hearing January 12, 1978
Place of hearing Medford
Date of order 1-12-78 Vol. 30, page 254
Date for application of water 10-1-79
Proof mailed JUN 27 1986
Proof received _____
Certificate issued OCT 13 1986 Vol. 50, page 54910
OCT 13 1986 50 54911

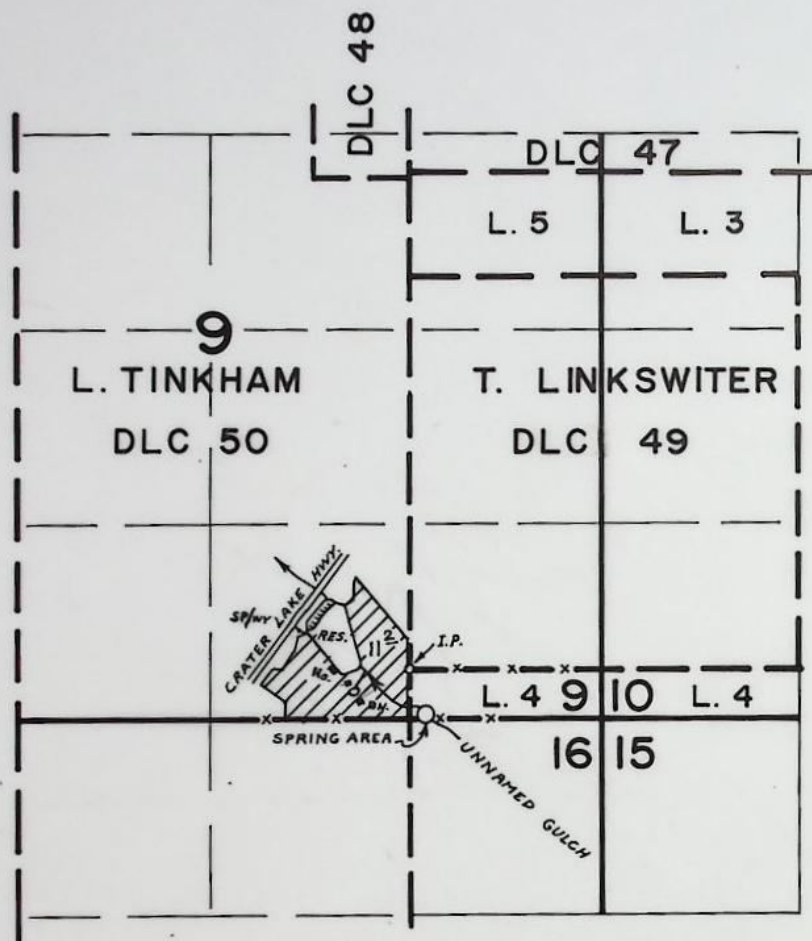
REMARKS

See T-2680 (Misfile) for history
2nd Reminder letter sent AUG 05 1986

W.R.I.S.	
Assembled <u>6-26-85</u> by <u>SP</u>	
Entered _____ by _____	
Verified _____ by _____	

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lcj</u>	_____
<input checked="" type="checkbox"/> Stream	<u>lcj</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>lcj</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>lcj</u>	_____
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Pgc.	<u>lcj</u>	_____
<input checked="" type="checkbox"/> Desc. & Unit	<u>lcj</u>	_____
<input checked="" type="checkbox"/> Desc. & Use	<u>lcj</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>lcj</u>	_____
<input checked="" type="checkbox"/> Plat. Folder	<u>lcj</u>	_____
<input checked="" type="checkbox"/> Cylinder	<u>lcj</u>	_____
<input checked="" type="checkbox"/> Case ref.	<u>lcj</u>	_____
<input checked="" type="checkbox"/> Trans. Claim	<u>lcj</u>	_____
<input checked="" type="checkbox"/> Abstracts	<u>lcj</u>	_____

T. 36 S., R. 1 W., W.M.



Scale 4" = 1 mile

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3836

Application No. Permit No.
IN NAME OF

DAVID L. & ADELE STAR HARRINGTON & ROSIE MAYES

Surveyed DEC. 13, 1979, by B. SUND

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF DAVID L. & ADELE S. HARRINGTON)
AND ROSIE MAYES FOR APPROVAL OF)
A CHANGE IN USE OF WATER)

ORDER APPROVING
TRANSFER NO. 3836

On November 14, 1977, an application was filed in the office of the Water Resources Director by David L. and Adele S. Harrington and Rosie Mayes for approval of a change in use for which water from an unnamed tributary of Antelope Creek has been heretofore stored, and a change in use heretofore made of the stored water, pursuant to the provisions of ORS 540.510 to 540.530.

The certificates recorded at pages 34476 and 34477, Volume 26, State Record of Water Right Certificates, in the names of Gerald W. and Rosie Mayes, describe a right to store, within Mayes Reservoir, located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 36 South, Range 1 West, W.M., 8.0 acre feet of water from an unnamed gulch, tributary of Antelope Creek, within the period of November 1 to March 30 of each year, with a date of priority of March 30, 1964, for the purpose of recreation; and a right to use the said 8.0 acre feet of stored water for the purpose of recreation within the reservoir, also with a date of priority of March 30, 1964.

The authorized point of diversion is located 450 feet North and 550 feet West from the Southwest Corner of the Linkswiter D.L.C. No. 49, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 36 South, Range 1 West, W.M.

The applicants herein, owners of the lands above described, propose to change the use for which the water has been heretofore stored, and the use heretofore made of the stored water and, without loss of priority, to hereafter use the capacity of Mayes Reservoir, of 8.0 acre feet, to store water for irrigation use, and use the 8.0 acre feet of stored water only, for irrigation of a certain 12.0 acres of land in the said SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9.

Notice of the application, pursuant to ORS 540.510, was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of November 22 and 29; and December 6, 1977.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect

that the proposed change in the use for which water heretofore has been stored and used may be made without injury to existing rights.

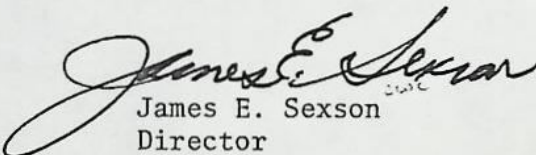
No objections having been filed and it appearing that the proposed change in the use for which water heretofore has been stored and used may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in the use for which water heretofore has been stored and used, 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 certificates of water right heretofore issued to Gerald W. and Rosie Mayes and recorded at pages 34476 and 34477, Volume 26, State Record of Water Right Certificates, are canceled, 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, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 12th day of January, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

cat
BC

This Is to Certify, That ~~GERALD W. and ROSIE MAYES~~ *97524*
% Adele S. Harrington, 9270 Highway 62
of ~~Route 1, Box 179-A, Eagle Point~~ *97524*, 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
unnamed gulch and Mayes Reservoir constructed under Application No. R-39681,
Permit No. R-3965
a tributary of Antelope Creek for the purpose of
~~recreation~~ *irrigation of 11.2 acres*

under Permit No. 29533 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 March 30, 1964

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
0.05 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Tinkham DLC 50,
Section 9, T. 36 S., R. 1 W., W. M. Diversion point located 550 feet West and 450
feet North from the SW Corner, Linkswiter DLC 49.

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 $\frac{1}{80}^{th}$ 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:

11.2 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
as projected within Tinkham DLC 50
Section 9
T. 36 S., R. 1 W., W. M.

This certificate is issued to confirm a change in ~~point of diversion~~ *use* approved
by an order of the Water Resources Director entered January 12, 1978 and
supersedes certificate of water right recorded at page 34476,
Volume 26, 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.

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~GERALD W.~~ and ROSIE MAYES

c/o Adele S. Harrington, 9270 HIGHWAY 62

of Route 1, Box 179-A, Eagle Point

, State of Oregon, has made proof

to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
unnamed gulch, tributary of Antelope Creek (Little Butte Creek), appropriated
under Application No. 39680, Permit No. 29533

for the purposes of

~~recreation~~ irrigation

under Reservoir Permit No. R-3965 of the State Engineer, and that said right to store said
waters has been perfected in accordance with the laws of Oregon; that the priority of the right
hereby confirmed dates from March 30, 1964

that the amount of water entitled to be stored each year under such right, for the purposes afore-
said, shall not exceed 8.0 acre feet

The reservoir is located in

SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Tinkham DIC 50
Section 9

T. 36 S., R. 1 W., W. M.

This right is subject to provision of an outlet conduit or other suitable means
to bypass the natural flow of the stream when determined by the State Engineer
to be necessary.

Water Resources Dept.

This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered January 12, 1978 and
supersedes certificate of water right recorded at page 34477, Volume 26, 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.

54910

T 2 280

NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 3836

Notice is hereby given that an application has been filed in the office of the Water Resources Director by David L. and Adele S. Harrington and Rosie Mayes for approval of a change in use for which water from an unnamed tributary of Antelope Creek has been heretofore stored, and a change in use heretofore made of the stored water, pursuant to the provisions of ORS 540.510 to 540.530.

The certificates recorded at pages 34476 and 34477, Volume 26, State Record of Water Right Certificates, in the names of Gerald W. and Rosie Mayes, describe a right to store, within Mayes Reservoir located within the SW 1/4 SE 1/4 of Sec 9, T 36 S, R 1 W, WM, 8.0 acre feet of water from an unnamed gulch, tributary of Antelope Creek, within the period of November 1 to March 30 of each year, with a date of priority of March 30, 1964, for the purpose of recreation; and a right to use the said 8.0 acre feet of stored water for the purpose of recreation within the reservoir, also with a date of priority of March 30, 1964.

The authorized point of diversion is located 450 ft N and 550 ft W from the SW corner of the Linkswiter DLC No. 49, being within the SW 1/4 SE 1/4 of Sec 9, T 36 S, R 1 W, WM.

The applicants herein, owners of the lands above described, propose to change the use for which the water has been heretofore stored, and the use heretofore made of the stored water, and, without loss of priority, to hereafter use the capacity of Mayes Reservoir, of 8.0 acre feet, to store water for irrigation use, and use the 8.0 acre feet of stored water only, for irrigation of a certain 12.0 acres of land in the said SW 1/4 SE 1/4 of Sec. 9.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on January 12, 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 David L. and Adele S. Harrington and Rosie Mayes, 9270 Hwy 62, Eagle Point, OR 97524, 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. Instructions for the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 15th day of November, 1977.

James E. Sexson
Director

Affidavit of Publication

RECEIVED

DEC 9 1977

State of Oregon, }
County of Jackson } ss.

WATER RESOURCES DEPT

1. Sharon Morris SALEM, OREGON, Being first duly

sworn, depose and say that I am the.....
(OWNER, EDITOR, PUBLISHER, MANAGER.)

Principal Clerk

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state;

that the Notice of Water right transfer

No. 3836

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the

following issues Nov. 22, 29, Dec. 6, 1977
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sharon Morris

Subscribed and sworn to before me this 7th day of Dec., 1977

James J. Osborn
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE)
ACCEPTANCE OF APPLICATIONS)
FOR PERMITS TO APPROPRIATE)
WATER FROM BEAR CREEK AND)
ANTELOPE CREEK - - - - -)

O R D E R
REJECTING CERTAIN FUTURE
APPLICATIONS

Bear Creek and its tributaries are located within Jackson County, Oregon, the principal tributaries: Walker, Emigrant and Neil creeks having their origin high in the western breaks of the Cascade Mountains and flowing in a general westerly direction to their confluence with Bear Creek in Sections 11 and 12, Township 39 South, Range 1 East, W.M. The main channel from its origin at the confluence of Walker and Emigrant creeks flows in a general northwesterly direction through a broadening valley, embracing several thousand acres of farm land and the cities and communities of Ashland, Talent, Phoenix, Medford and Central Point, to its confluence with the Rogue River in the northwest quarter of Section 20, Township 39 South, Range 2 West, W.M.

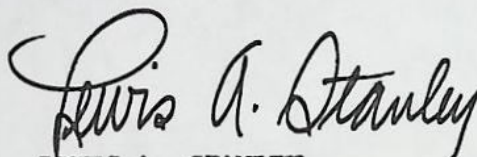
Antelope Creek and its tributaries are located within Jackson County, Oregon, immediately north of Bear Creek, the main channel having its origin in Township 38 South, Range 2 East, W.M. and flowing in a general northwesterly direction to its confluence with Little Butte Creek in the northwest quarter of Section 9, Township 36 South, Range 1 West, W.M.

Irrigation is the principal beneficial use of water being made from these streams with rights to the use of water being held by the Talent Irrigation District, Medford Irrigation District, Rogue River Valley Irrigation District, and numerous individual users. Rights for the use of the water for domestic, municipal, manufacturing and other purposes exist in a lesser degree.

Information submitted by water users and stream flow records kept by the State Engineer indicate that there is not sufficient water in Bear Creek and Antelope Creek during the major part of the irrigation season to satisfy existing rights.

THEREFORE IT IS HEREBY ORDERED that no more applications for permits be accepted to appropriate water from Bear Creek or any of its tributaries, or Antelope Creek or any of its tributaries for irrigation, unless they are for the construction of reservoirs and the storage of water from November 1 to March 30 and the appropriation of the stored water.

Dated at Salem, Oregon, this 22nd day of January, 1959.

A handwritten signature in cursive script that reads "Lewis A. Stanley". The signature is written in dark ink and is positioned above the printed name and title.

LEWIS A. STANLEY
State Engineer