

3947

Name Orion Wells

By _____

Address 4735 Highway 66
Ashland, OR 97520Change in PODDate filed April 26, 1978Date of hearing June 28, 1978Place of hearing MedfordDate of order 6-30-78 Vol. 31, page 31Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued AUG 10 1978 Vol. 38, page 46186
JAN 22 1987 51 55475*to survey 8/79*

REMARKS

SEE T-5523, POW&POD part of C-46186

DESCRIPTION OF WATER RIGHT

Name of stream Neil CreekTrib. of _____ County of Jackson

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1854In name of Mary J. McCallister
Rogue River *corr. Decree -> 17* 22
Adjudication, Vol. 4, page 10App. No. _____ Per. No. _____ Cert. No. 37053
(orig 15975)

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-26-78</u>	<u>85-</u>	<u>2494</u>
TOTAL . . .		
<u>6-23-78</u>	<u>\$2 Cert. Fee</u>	<u>Trsf. fr 2494</u>
<u>The Daily Tidings \$33.33 pd 6/23/78 ch#2397</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>6-23-78</u>	<u>14.67</u>	<u>2398</u>
Ex	<u>20-</u>	
POD	<u>15-</u>	
CERT	<u>2-</u>	
POW	<u>33.33</u>	
	<u>70.33</u>	

INDEX CARDS: Entered Checked

TO BE ENTERED WHERE CHECKED	✓	Name	<u>lg</u>	_____
	✓	Stream	<u>lg</u>	_____
		Pt. of Div.	_____	_____
	✓	Calendar	<u>lg</u>	_____
		CHECKED TO RECORD:		
	✓	Twp. & Rge.	<u>lg</u>	_____
	✓	Decree-vault	<u>lg</u>	_____
	✓	Decree-safe	<u>lg</u>	_____
	✓	Cert. of W/R	<u>lg</u>	_____
		Per. Folder	_____	_____
		Chaindex	_____	_____
		Cross Ref.	_____	_____
		Power Claims	_____	_____
	✓	Abstracts	<u>lg</u>	_____

W.R.I.S.

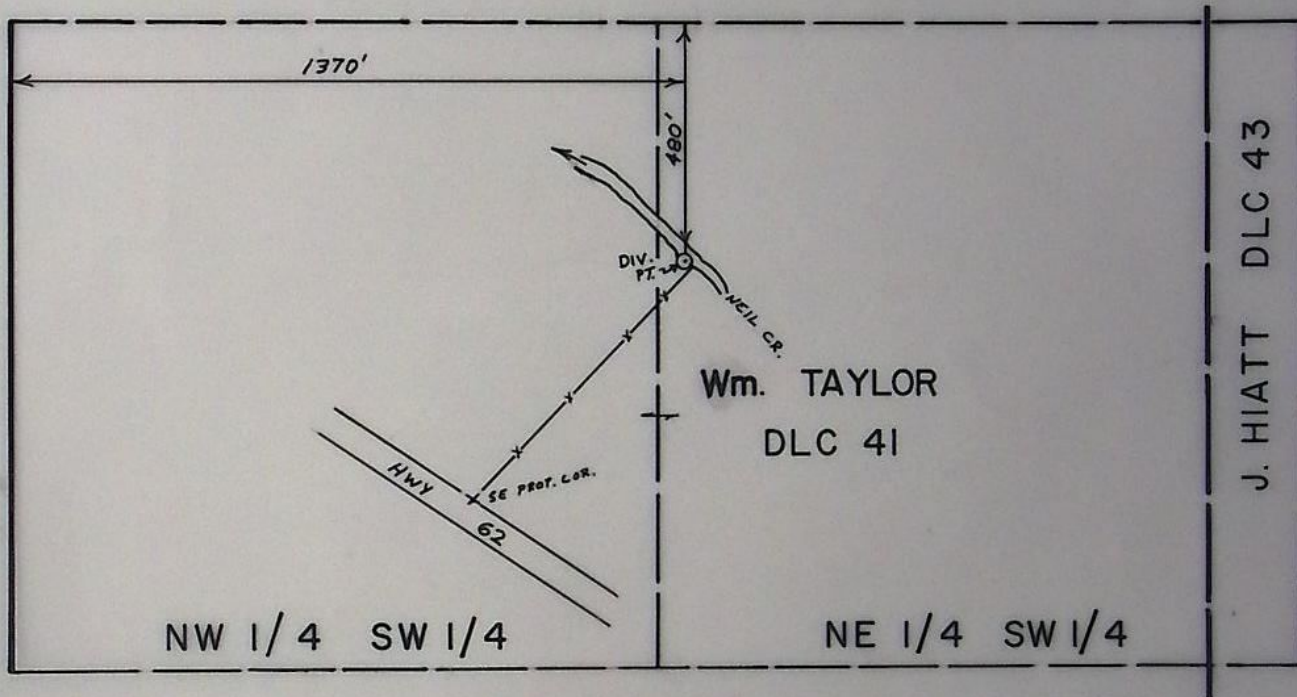
Assembled 6-3-85 by STB

Entered _____ by _____

Verified _____ by _____

T. 39 S., R. 2 E., W.M.

Sec. 19



Scale 1" = 400'

FINAL PROOF SURVEY

UNDER

Transfer no. 3947

Application No. Permit No.
IN NAME OF

.....ORION.....WELLS.....

Surveyed March 28, 1980, by B.R. SUND.....

STATE OF OREGON

COUNTY OF

JACKSON

T-3947

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ORION WELLS

ORIN L. and DELLA MAY WELLS, et. al.

of 4735 Highway 66, Ashland
to the use of the waters of Neil Creek

, State of Oregon, has a right

a tributary of 2.5 Bear Creek

for the purpose of

irrigation of 3.9 acres and domestic use

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 1854

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 ~~0.1~~ cubic foot per second, if available at the original point of diversion, ~~0.03~~

Taylor Ditch - 330'S & 65'W from SW cor DLC 43

The point of diversion is located in the ac w/m Wm Taylor DLC 41, Sec 19 T39S R2E W4 480'S & 1370'E from W1/4 cor Sec 19

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

18.8 acres SW1/4 NW1/4
2.5 14.9 acres NW1/4 SW1/4 w/m Wm Taylor DLC 41
1.2 acres SW1/4 SW1/4
Section 19
T. 39 S., R. 2 E., W. M.

This certificate supersedes the certificate recorded at page 33674, Volume 25, State Record of Water Right Certificates, issued to Mary J. McCallister, and describes the right as corrected by a decree and order of the Circuit Court for Jackson County entered July 1, 1970.

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the Water Resources Director entered 6-30-78 and together with certificate of water right recorded at page 46186, Volume 38, SRWRC supersedes certificate of water right recorded at page 37053, Volume 29, SRWRC.

The issuance etc

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37053

55475

8159D

T-3947

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ORIN L. and DELLA MAY WELLS, et. al.

of 4735 Highway 66, Ashland, State of Oregon, has a right
to the use of the waters of Neil Creek

a tributary of 32.4 Bear Creek for the purpose of
irrigation of 34.9 acres and domestic use
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 1854

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 ~~0.44~~ cubic foot per
second 0.41

The point of diversion is located in the

SE SW 19

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

18.8 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
12.4 ~~14.9~~ acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
1.2 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 19
T. 39 S., R. 2 E., W. M.

T-3947

2.5
0.03 cfs

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 37053, Volume 29, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on June 30, 1978, approving transfer application No. 3947.

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 date October 22, 1970.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37053

46186

T-3947

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF ORION WELLS FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM NEIL CREEK)

ORDER APPROVING
TRANSFER NO. 3947

On April 26, 1978, an application was filed in the office of the Water Resources Director by Orion Wells for approval of a change in point of diversion from Neil Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 37053, Volume 29, State Record of Water Right Certificates, in the name of Orin L. and Della May Wells, et. al., describes a right which includes the use of not to exceed 0.03 cubic foot per second from Neil Creek for irrigation of a certain 2.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 39 South, Range 2 East, W.M., with a date of priority of 1854.

Water for the said right is diverted, through the Taylor Ditch, from a point located 330 feet South and 65 feet West from the Southwest Corner of D.L.C. No. 43, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 39 South, Range 2 East, W.M.

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 460 feet South and 1220 feet East from the West Quarter Corner of Section 19, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 39 South, Range 2 East, W.M.

Notice of the application, pursuant to ORS 540.510, 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 May 8, 15 and 22, 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 diver-

sion under the subject right, and shall not exceed 0.03 cubic foot per second.

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:

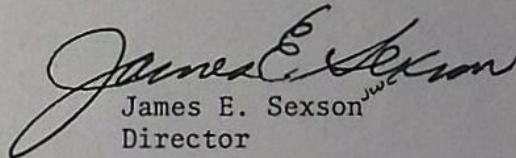
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 37053, Volume 29, 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 30th day of June, 1978.


James E. Sexson
Director

AFFIDAVIT OF PUBLICATION

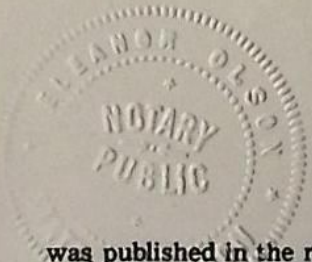
STATE OF OREGON,

County of Jackson,

I, Doris Thompson
that I am the printer of the
circulation, printed and published
that such newspaper is more
17 1/4 inches in depth, or if
of type matter; that said
for at least one year imm
notice, and has more than
is published; that the notice
copy, viz;

Approved Budget	7-78
Next Year	
Newton	
Person of Governing Body	
of accounting used during the	
am and 5:00pm. The	
inspected or obtained free of	
District #5	
be held on May 24, 1978	
ing is to discuss the budget for	
for retailing.	
ures for two days before	
in a cooler at near-freezing	
animals no longer will have to	
pass storage space than now	
means meat handlers will need	
treated meat. He said the	
treated meat higher ratings	
k said informal taste panels	
s of fiber under pressure.	
instantly and breaking down	

ly sworn, depose and say
daily newspaper of general
foresaid county and state;
of five columns of at least
ing an equivalent amount
uninterruptedly published
publication of the attached
thin the county in which it
ached is a true and correct



RECEIVED
JUN 19 1978
WATER RESOURCES DEPT.
SALEM, OREGON

ok
ec

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 8th day of May, 1978, and ending with the
issue dated 22nd day of May, 1978.

That the price actually charged for this notice was \$33.33
That a reduction of \$ from the legal rate was made for
charitable purposes.

Subscribed and sworn to before me this 31st day of May, 1978
Doris Thompson
Eleanor Olson

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 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. 3947

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

The certificate recorded at page 37053, Volume 29, State Record of Water Right Certificates, in the name of Orin L. and Della May Wells, et al, describes a right which includes the use of not to exceed 0.03 cubic foot per second from Neil Creek for irrigation of a certain 2.5 acres in NW 1/4 SW 1/4 of Sec 19, T 39S, R 2E, WM, with a date of priority of 1854.

Water for the said right is diverted, through the Taylor Ditch, from a point located 330 ft S & 65 ft W from the SW Corner of D.L.C. No. 43, being within the SE 1/4 SW 1/4 of Sec 19, T 39S, R 2E, WM.

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 460 ft S & 1220 ft E from the W 1/4 Corner of Sec 19, being within the NW 1/4 SW 1/4 of Sec 19, T 39S, R 2E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on June 28, 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 Orion Wells, 4735 Hwy 66, 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. 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 May, 1978.

James E. Sexson
Director
Publish: May 8, 15, 22, 1978

was published in the regul
three successive
dated the 8th da
issue dated 22nd d

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
\$33.33
the legal rate was made for

Thompson
ay of May, 19 78
ary Public for Oregon.
(10-5-78)