

Name Sadie & Clarence C. Williams
and J. Ervin & Ruby E. Toney
Address % Allen A. Alsing, Dir. Public Works
City of Ashland
Ashland, Oregon 97520

Change in Use, POU, POD
Date filed April 19, 1978
Date of hearing June 20, 1978
Place of hearing Ashland
Date of order 6-21-78 Vol. 31, page 11
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued AUG 24 1978 Vol. 38, page 46271
JUL 24 1992 our. 7/78 67619

3935

DESCRIPTION OF WATER RIGHT

Name of stream Ashland Creek
Trib. of _____ County of Jackson
Use _____
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority 1864
In name of R. D. Sanford
Rogue River Adjudication, Vol. 4, page 12, Col 3
App. No. _____ Per. No. _____ Cert. No. 16034
Certificate cancelled _____
Notation made on record by OK Ant

FEES PAID

Date	Amount	Receipt No.
<u>4-19-78</u>	<u>108-</u>	<u>2322</u>
TOTAL . . .		
<u>4-19-78</u>	<u>\$2- Cert. Fee</u>	<u>2322</u>
<u>The Daily Tidings \$39.05 pd 5-17-78 ck # 2204</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>5-17-78</u>	<u>18.95</u>	<u>2203</u>
Exam <u>20-</u>		
POD <u>15-</u>		
Use <u>15-</u>		
Cert <u>2-</u>		
PON <u>39.05</u>		
<u>91.05</u>		

REMARKS

W.R.I.S.

Assembled 5-16-83 by MA
Entered _____ by _____
Verified _____ by _____

INDEX CARDS: Entered Checked

Name	<u>lgj</u>	_____
Station	<u>lgj</u>	_____
Pt. of Div.	<u>lgj</u>	_____
Calendar	<u>lgj</u>	_____
CHECKED TO RECORD		
Twp. & Rm.	<u>lgj</u>	_____
District	<u>lgj</u>	_____
District	<u>lgj</u>	_____
Cert. of W. R.	<u>lgj</u>	_____
Pat. Holder	<u>lgj</u>	_____
Chairman	_____	_____
Cross Ref.	_____	_____
Power Claim	_____	_____
Abstracts	<u>lgj</u>	_____

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
SADIE & CLARENCE C. WILLIAMS AND J.)
ERVIN & RUBY E. TONEY FOR APPROVAL)
OF CHANGES IN PLACE OF USE, POINT OF)
DIVERSION AND USE OF WATER)

ORDER APPROVING
TRANSFER NO. 3935

On April 19, 1978, an application was filed in the office of the Water Resources Director by Sadie & Clarence C. Williams and J. Ervin & Ruby E. Toney for approval of changes in place of use, point of diversion 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 16034, Volume 13, State Record of Water Right Certificates, in the name of R. D. Sanford, describes a right which includes the use of not to exceed 0.08 cubic foot per second from Ashland Creek for irrigation of a certain 5.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.5 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 39 South, Range 1 East, W.M., with a date of priority of 1864.

Water for the said right is diverted, through the Smith-Myer-Roper Ditch, from a point located 850 feet North and 300 feet West from the Southwest Corner of D.L.C. No. 41, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 39 South, Range 1 East, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use, point of diversion 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 Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of April 26; May 3 and 10, 1978.

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

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use, point of diversion and use of water, as described herein, without loss of priority, 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.

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:

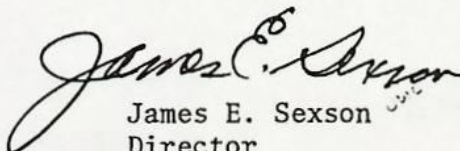
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 recorded at page 16034, 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 City of Ashland.

Dated at Salem, Oregon this 21st day of June, 1978.


James E. Sexson
Director

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 1864.

The use is limited to 0.08 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 0.08 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.

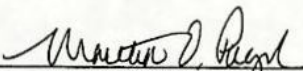
SEE NEXT PAGE

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 JUNE 21, 1978, and together with Certificate 46271, supersedes Certificate 16034, 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 67619.

T-3935.LMS

STATE OF OREGON

COUNTY OF JACKSON YTHUGO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. D. Sanford

of 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 ⁶⁵ ~~32~~ acres, and Stock, 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 1864;

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 ~~0.18~~ ^{0.10} cubic foot per second.

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:

⁷⁴⁵ ~~20~~ acres in SE ¹/₄ NW ¹/₄ Section 11, T. 39 S., R. 1 E., W. 4 N.

$$\frac{.18}{12} = \frac{90815}{5.5} = \frac{90975}{6.5}$$

P.O.D.: NE ¹/₄ SW ¹/₄ Sec 4 T39S R1E W4N
Smith - Myer - Roper Ditch - 850' N
§ 300' W from the SW cor. D.C. 41

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 16034, Volume 13, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on June 21, 1978, approving transfer application No. 3935.

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 at this 30 day of September, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16034

T-3935

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. 3935

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Sadie & Clarence C. Williams and J. Ervin & Ruby E. Toney for approval of changes in place of use, point of diversion 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 16034, Volume 13, State Record of Water Right Certificates, in the name of R.D. Sanford, describes a right which includes the use of not to exceed 0.0825 cubic foot per second from Ashland Creek for irrigation of a certain 5.0 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.5 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 4, T 39 S, R 1 E, WM, with a date of priority of 1864.

Water for the said right is diverted, through the Smith-Myer-Röper Ditch, from a point located 850 ft N & 300 ft W from the SW Corner of D.L.C. No. 41, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 4, 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 Sec 4, 5, 8, 9, 10, 11, 14, 15, 16, 17 & 23, T 39 S, R 1 E, WM, from a point of diversion located 100 ft N & 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 June 20, 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 Sadie & Clarence Williams and Ervin & Ruby Toney, c-o Allen A. Alsing, Director of Public Works, City of Ashland, Oregon 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 21st day of April, 1978.

James E. Sexson
Director

Publish: April 26, May 3 and 10, 1978

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dated the26th day
issue dated .10th... da

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(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 of type matter; that said newspaper for at least one year immediately preceding the publication of the attached notice, and has more than 200 households in the county in which it is published; that the notice of said copy, viz;

59. PETS AND SUPPLIES

FOR SALE: Purebred female Doberman, \$60. Phone 488-0052.

FOR ALL YOUR PET NEEDS

Come to Ally Gators in the Ashland Shopping Center.

TRAILER, 4-wheel tandem. Electric brakes, swinging axle, 6x3x14. Perfect for builder of moving household goods. \$525. Phone 482-3062.

9N TRACTOR with mower. phone 482-9326.

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 the26th day of ...April...., 19..78., and ending with the issue dated .10th... day ofMay..... 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 10th day of May, 19 78

Notary Public for Oregon.

(My commission expires 10-5-78)