

Name Thomas E. Whittle & Harold C. MunsonBy % Allen A. Alsing, Dir. Public WorksAddress City of Ashland  
Ashland, OR 97520Change in POD, UseDate filed June 5, 1978Date of hearing August 2, 1978Place of hearing MedfordDate of order 8-17-78 Vol. 31, page 167Date for application of water 10-1-79

Proof mailed \_\_\_\_\_

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

Certificate issued SEP 15 1978 Vol. 39, page 46398JUL 24 1992 67620

3965

## DESCRIPTION OF WATER RIGHT

Name of stream Ashland CreekTrib. of \_\_\_\_\_ County of Jackson

Use \_\_\_\_\_

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch Smith-Meyer-RoperDate of priority 1864In name of H. B. Sander & L. B. SanderRogue River Adjudication, Vol. 4, page 12App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 38770

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

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

OK Cert

## FEES PAID

Date	Amount	Receipt No.
<u>6-5-78</u>	<u>110 -</u>	<u>3362</u>
TOTAL . . .		
<u>8-14-78</u>	<u>\$2 Cert. Fee</u>	<u>Trans. fr. 3362</u>
<u>The Daily Tidings \$39.05 pd 8-14-78 ck #2537</u>		

## FEES REFUNDED

Date	Amount	Check No.
<u>8-14-78</u>	<u>18<sup>25</sup></u>	<u>2536</u>
Ex	20 -	
POD	15 -	
Use	15 -	
Cert	2 -	
POV	39.05	
	<u>91.05</u>	

## REMARKS

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

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>leg</u>	<u>leg</u>
<input checked="" type="checkbox"/> Stream	<u>leg</u>	<u>leg</u>
<input checked="" type="checkbox"/> Pt. of Div.	<u>leg</u>	<u>leg</u>
<input checked="" type="checkbox"/> Calendar	<u>leg</u>	<u>leg</u>
<input checked="" type="checkbox"/> Twp. & Rge.	<u>leg</u>	<u>leg</u>
<input checked="" type="checkbox"/> Decree-vault	<u>leg</u>	<u>leg</u>
<input checked="" type="checkbox"/> Decree-safe	<u>leg</u>	<u>leg</u>
<input checked="" type="checkbox"/> Cert. of W/R	<u>leg</u>	<u>leg</u>
<input checked="" type="checkbox"/> Per. Folder	<u>leg</u>	<u>leg</u>
<input checked="" type="checkbox"/> Chainindex	<u>leg</u>	<u>leg</u>
<input checked="" type="checkbox"/> Cross Ref.	<u>leg</u>	<u>leg</u>
<input checked="" type="checkbox"/> Power Claim	<u>leg</u>	<u>leg</u>
<input checked="" type="checkbox"/> Abstracts	<u>leg</u>	<u>leg</u>



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 0.09 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 0.09 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

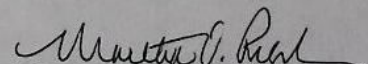


This certificate is issued to confirm a change in POINT OF DIVERSION, PLACE OF USE, AND USE HERETOFORE MADE OF THE WATER approved by an order of the Water Resources Director entered AUGUST 17, 1978, and together with Certificate 46398, supersedes Certificate 38770, State Record of Water Right Certificates.

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 67620.

T-3965.JSR



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF THOMAS E. WHITTLE & HAROLD C. )  
MUNSON FOR APPROVAL OF CHANGES IN)  
PLACE OF USE, POINT OF DIVERSION )  
AND USE HERETOFORE MADE OF WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3965

On June 5, 1978, an application was filed in the office of the Water Resources Director by Thomas E. Whittle and Harold C. Munson 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 38770, Volume 30, State Record of Water Right Certificates, in the names of H. B. Sander and L. B. Sander, describes a right which includes the use of not to exceed 0.09 cubic foot per second from Ashland Creek for irrigation of a certain 7.0 acres in NW $\frac{1}{4}$  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, 13, 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 540.520(2), 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 June 12, 19 and 26, 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 heretofore made 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 heretofore made 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 heretofore made 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:

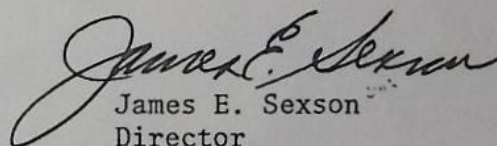
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 38770, Volume 30, 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 17th day of August, 1978.

  
James E. Sexson  
Director



## STATE OF OREGON

COUNTY OF

JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. B. SANDER and L. B. SANDER

of Ashland, State of Oregon, has a right  
to the use of the waters of Ashland Creeka tributary of Bear Creek, 19.4  
irrigation of ~~26.4~~ acres for the purpose ofand 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~~0.334~~ cubic foot per second  
0.244The point of diversion is located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, T. 39 S., R. 1 E., W. M.,  
(Smith-Myer, Roper ditch) 850 feet North and 300 feet West from SW Corner, \*  
A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:6.3 ~~13.3~~ acres NW $\frac{1}{4}$  NW $\frac{1}{4}$  - 7.2 ~~0.09~~ ac.  
Section 413.1 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 5  
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 38770, Volume 30, State Record of Water Right  
Certificates, NOT modified by the provisions of an order of the Water Resources  
Director entered on August 17, 1978, approving transfer application No. 3965.The issuance of this superseding certificate does not confirm the status of the  
water right in reference to ORS 540.610.

\* Million DLC 41.

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 January 11, 1973.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38770

T-2965



AFFIDAVIT OF PUBLICATION

STATE OF OREGON,

County of Jackson,

ss.

Doris Thompson

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. 3965

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Thomas E. Whittle and Harold C. Munson 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 504.530.

The certificate recorded at page 38770, Volume 30, State Record of Water Right Certificates, in the name of H.B. Sander & L.B. Sander, describes a right which includes the use of not to exceed 0.09 cubic foot per second from Ashland Cr. for irrigation of a certain 7.0 ac in NW 1/4 NW 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 1/4 SW 1/4 of Sec 4, T 39S, R 1E, 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, 13, 14, 15, 16, 17, & 23, T 39S, R 1E, WM, from a point of diversion located 100 ft. N & 10 ft W from the SE Corner of Sec 20, being within the SE 1/4 SE 1/4 of Sec 20, T39S, R 1E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on August 2, 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 Thomas E. Whittle & Harold C. Munson, Co Director of Public Works, 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. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

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

James E. Sexson  
Director  
Publish: June 12, 19, 26, 1978

was published in the reg  
three successive  
dated the 12th  
issue dated 26th

That the price actu  
That a reduction of  
charitable purposes.

Subscribed and sw

newspaper once a week for  
commencing with the issue  
78, and ending with the

19 78  
was \$ .39.05

the legal rate was made for

day of June, 19 78

Notary Public for Oregon.

10-5-78



he middle of last month,  
took over sole ownership  
Frosty on Winburn Way

W OWNER



June 22, in response to a  
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# AFFIDAVIT OF PUBLI

STATE OF OREGON,

County of Jackson,

I, Doris T  
that I am the printer  
circulation, printed an  
that such newspaper is  
17 3/4 inches in depth, c  
of type matter; that sa  
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notice, and has more th  
is published; that the n  
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st duly sworn, depose and say  
a daily newspaper of general  
the aforesaid county and state;  
ages of five columns of at least  
prising an equivalent amount  
and uninterruptedly published  
st publication of the attached  
within the county in which it  
attached is a true and correct

RECEIVED  
JUL 18 1978  
WATER RESOURCES DEPT.  
SALEM, OREGON



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 12th day of June, 1978, and ending with the  
issue dated 26th day of June, 1978.

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 20th day of June, 1978.

Doris Thompson  
Notary Public for Oregon.

(My commission expires 10-5-78.)