

Name Bob L. Jones & Rosa Frye

By _____

Address 5833 Westside Road

Cave Junction, Or. 97523

Change in P.O.U.

Date filed July 11, 1979

Date of hearing _____

Place of hearing _____

✓ Date of order 10-15-79 Vol. 32, page 438

Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued April 24, 2009 Vol. _____, page 85486
July 12, 2009 85652

to Ann 8/87

4253

DESCRIPTION OF WATER RIGHT

Name of stream Wilber Waste Water

Trib. of W. Fk. Illinois Riv. County of Josephine

Use irrigation

Quantity of water _____ No. of acres 7.0

Name of ditch _____

Date of priority Sept. 15, 1942

In name of Earland Doris Boyd

_____ Adjudication, Vol. _____, page _____

App. No. 19796 Per. No. 15382 Cert. No. 15604

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>7-11-79</u>	<u>30-</u>	<u>12765</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Do not issue RR Cert until proof is made on App # 58536
Survival 3/28/84 (Jones)

W.R.I.S.

Assembled 3-8-85 by SPJ

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
✓	Name	<u>SPJ</u>
✓	Stream	<u>SPJ</u>
✓	Pt. of Div.	<u>SPJ</u>
✓	Calendar	<u>SPJ</u>
✓	CHECKED TO RECORDS:	
✓	Twp. & Rge.	<u>5826</u>
✓	Decree-vault	
✓	Decree-safe	
✓	Cert. of W/R	<u>WJO</u>
✓	Per. Folder	<u>WJO</u>
✓	Chainindex	<u>SPJ</u>
✓	Cross Ref.	
✓	Power Claim	
✓	Abstracts	<u>SPJ</u>

447

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF BOB L. JONES & ROSA FRYE FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4253

On July 11, 1979, an application was filed in the office of the Water Resources Director by Bob L. Jones and Rosa Frye for approval of a change in place of use of water from Wilbur Waste Water, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 15604, Volume 13, State Record of Water Right Certificates, in the names of Earl and Doris Boyd, describes a right which includes the use of not to exceed 0.116 cubic foot per second from Wilbur Waste Water for irrigation of a certain 0.8 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31; and 5.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 39 South, Range 8 West, W.M., with a date of priority of September 15, 1942.

Water for the said right is diverted, through the Home Ditch, from a point located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 39 South, Range 8 West, W.M.

The applicants herein, owners of the lands above described, propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 2.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.1 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31; 1.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 39 South, Range 8 West, W.M.

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.

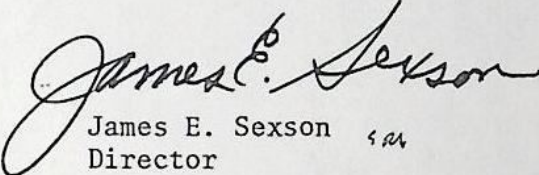
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 15604, 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 applicants herein.

Dated at Salem, Oregon this 15th day of October, 1979.


James E. Sexson
Director

TO: Bob Steimer

FROM: Norm Daft *ND*

SUBJECT: Wilbur Waste Water 39s/8w-31

On 10-27-87 certificate 9126, issued to Edward J. Wilbur, for the use of water from Second Gulch to irrigate 16 acres was cancelled (Vol.41 pg.528). The priority date of this right was 11-16-26. Proponents of the cancellation were Bob Jones and Carl Jacobson.

Water rights still exist for the use of Wilbur Waste Water. Originally permit 15382, certificate 15604, was filed for use of Wilbur Waste Water with a priority of 9-15-42. Certificate 15604 was partially superceded by an order approving transfer 4253. Transfer 4253 changed the place of use of 5.8 of the 7 acres listed in certificate 15604. I can find no new certificate as a result of the transfer or a remaining right certificate.

Since the water right in the name of Edward J. Wilbur, certificate 9126 was cancelled in its' entirety then any permit issued for use of Wilbur Waste Water would no longer be valid.

Therefore, I believe certificate 15604 and transfer 4253 should be cancelled.

NOTE: A cancellation hearing (PC 87-16) was held on January 21, 1988 concerning the portion of certificate 15604 not involved in transfer 4253. The final order (vol.42 pg.216) cancelled 0.95 ac. of the 1.2 acres. This left 0.25 ac. on Tax Lot 1008 T.39s.R8w Sec.31. A remaining right certificate should not be issued since the source of water no longer exists.

WARRANTY DEED
(Grantor or Grantors by Entirety)

CRATER TITLE INSURANCE CO. P. O. BOX 304, 604 W. MAIN ST., PORTLAND, OREGON

JOSEPHINE COUNTY TITLE CO. P. O. BOX 71, 807 N.E. 2ND ST., ASTORIA, OREGON

77841
39-2-31/1008

100891

30 PAGE 718

KNOW ALL MEN BY THESE PRESENTS, That LAWRENCE J. CHEATHAM and MARY G. CHEATHAM, husband and wife,

hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by ARNOLD S. STOLMAN, JR. and DOROTHY M. STOLMAN, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Josephine, State of Oregon, described as follows, to-wit:

A part of the Southeast Quarter of the Northeast Quarter of Section 31, Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, described as follows: Commencing at the Northwest corner of the A. P. Turner Donation Land Claim No. 39 in Section 31, Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, and run thence West 373.22 feet to an iron pipe on the West line of Government Lot 1 in said Section 31; thence North 0° 04 1/2' West along said line, 388.36 feet; thence along the West line of the Southeast Quarter of the Northeast Quarter of said Section 31, North 0° 44' West 300.45 feet to an iron pipe, the point of beginning of property to be described; thence North 0° 44' West 258.13 feet; thence South 89° 44 1/2' East to the Westerly line of the West Side County Road; thence in a Southerly direction along said road line to a point which is East from the point of beginning; thence West to the point of beginning. SUBJECT TO: 1) Easements for the transmission and distribution of electricity granted the California Oregon Power Company set forth in Volume 166, Page 356 and Volume 167, Page 391, Josephine County Deed Records. 2) Right of way running West from Westside Road, mentioned in contracts to Silvernale and Brown, recorded in Volume 224, Page 271-273, Josephine County Deed Records. 3) Right of way for flumes for irrigation water, reserved in deed from Boyd to Whitney recorded in Volume 238, Page 129, Josephine County Deed Records.

To have and to hold the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

And grantor hereby covenants to end with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances excepting the lien of the 1971-72 real property taxes which are due but not yet payable, which are to be pro-rated as between Grantor and Grantees herein as of November 1, 1971;

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 6,550.00. However, the actual consideration consists of ~~excludes other property or value given or promised which is~~ part of the consideration (indicate which).

In construing this deed and where the context so requires, the singular includes the plural, the masculine includes the feminine and the neuter and, generally, all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

Witness our hand s and seal s this 22 day of October, 19 71
Lawrence J. Cheatham (SEAL) Mary G. Cheatham (SEAL)
Lawrence J. Cheatham (SEAL) Mary G. Cheatham (SEAL)

OKLAHOMA
STATE OF ~~OREGON~~

County of BRYAN

October 22, 1971

BEFORE ME PERSONALLY appeared the above named Lawrence J. Cheatham and Mary G. Cheatham, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

(SEAL)
(SEAL)

Mildred Goodman
Notary Public for ~~OREGON~~ OKLAHOMA
My Commission expires: 3-26-75

WARRANTY DEED

State of
County of
Book
Page



CLERK

330

RETURN TO

8688-25
39-8-31 1003
39-8-32
806

JOSEPHINE COUNTY TITLE CO. P.O. BOX 71 - 507 N.E. SIXTH ST. - GRANTS PASS, OREGON

28793

VCL 339 PAGE 1319

KNOW ALL MEN BY THESE PRESENTS, That
ODESSA JONES

in consideration of \$1.00 and other consideration

to him paid by BOBBIE L. JONES

do es hereby grant, bargain, sell and convey unto the said grantee his heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Josephine and State of Oregon, bounded and described as follows, to-wit:

A tract of land in the East Half of Section 31, and in the West Half of Section 32 in Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, described as follows: Beginning at the Southwest corner of Government Lot 1 in said Section 32; and run thence East along the South line of said Lot 1 a distance of 198.00 feet; thence North and parallel with the West line of said Lot 1, a distance of 873.18 feet more or less to a point which is 495 feet North from the South line of the Southwest Quarter of the Northwest Quarter of said Section 32; thence West and parallel with the South line of said legal subdivision 198.00 feet to the West line of said Section 32; thence continue West and parallel with the South line of the Southeast Quarter of the Northeast Quarter of Section 31 336 feet more or less to the Easterly right of way line of West side County Road; thence in a Southerly direction along said Easterly right of way line to an intersection with the South line of Government Lot 1 in Section 31; thence East along the South line of said Government Lot 1, 296 feet more or less to the point of beginning.

GRANTS PASS 476-6884

CAVE JUNCTION 502-2131

ESCROWS

RECORDING

To Have and to Hold, the above described and granted premises unto the said grantee his heirs and assigns forever.

Witness my hand and seal this 12th day of October, 19 79

Odessa Jones (SEAL)
Odessa Jones (SEAL)

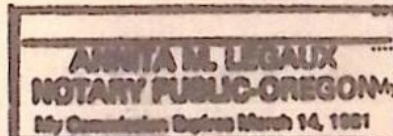
STATE OF OREGON,

County of Josephine ss.

On this 12th day of Oct., 19 79, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named
Odessa Jones

who is known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Annita M. Legaux
Notary Public for Oregon
Commission Expires

BARGAIN and SALE
DEED

Courtesy of
JOSEPHINE COUNTY TITLE CO.

28793
16 79 AM



NTY CLERK
JOSEPHINE COUNTY

1319
339
FOSTER Co. Clerk
Notary

RETURN TO

Mr. Bobbie L. Jones
5833 Westside Rd.
Cave Junction, Or. 97521

FORM NO. 104, DEED CREATING AN ESTATE BY THE ENTIRETY

86-10324

DEED CREATING ESTATE BY THE ENTIRETY

VOL 76 PAGE 559

KNOW ALL MEN BY THESE PRESENTS That **Robbie L. Jones**

(hereinafter called the grantor), the spouse of the grantee hereinafter named, for the consideration hereinafter stated, has bargained and sold and by these presents does grant, bargain, sell and convey unto **Roberta M. Jones** (herein called the grantee), an undivided one-half of the following described real property situate in **Josephine** County, Oregon, to wit:

A tract of land in the East Half of Section 31, and in the West Half of Section 32 Township 39 South, Range 8 West, of the Willamette Meridian, S. Josephine County, Oregon, described as follows: Beginning at the Southwest Corner of Government Lot # 1, in said Section 32; and run thence East along the South line of said Lot # 1 a distance of 198.00 feet; thence North and parallel with the West line of said Lot # 1, a distance of 873.18 feet, more or less, to a point which is 495 feet North from the South line of the Southwest Quarter of the Northwest Quarter of said Section 32; thence West and parallel with the South line of said legal subdivision 198.00 feet to the West line of said Section 32; thence continue West and parallel with the South line of the Southeast Quarter of the Northeast Quarter of Section 31, 336 feet, more or less to the Easterly right of way line of West Side County Road; thence in a Southerly direction along said Easterly right of way line to an intersection with the South line of Government Lot # 1 in Section 31;

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD said undivided one-half of said real property unto the said grantee forever.

The above named grantor retains a like undivided one-half of said real property and it is the intent and purpose of this instrument to create and there hereby is created an estate by the entirety between husband and wife as to said real property.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ **Love & affection**

However, the actual consideration consists of or includes other property or value given or promised which is the part of the consideration (indicate which) (The sentence between the symbols Φ , if not applicable, should be deleted. See ORS 93.630.)

WITNESS grantor's hand this **2nd** day of **Aug**, 19**86**.

STATE OF OREGON, County of **Josephine**,
Personally appeared the above named **Robbie L. Jones** Aug 2, 1986
who is known to me to be the spouse of the grantee in the above deed and acknowledged the foregoing instrument to be voluntary act and deed

Before me **Walter E. McFar**
(OFFICIAL SEAL) Notary Public for Oregon—My commission expires **6-16-1990**

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

Bob L. Jones
5833 Westside Road
Cave Junction, OR 97523

NAME ADDRESS ZIP

Until a change is required all tax statements shall be sent to the following address

Same as Record

NAME ADDRESS ZIP

STATE OF OREGON,

County of } ss.

I certify that the within instrument was received for record on the day of 19

at o'clock M., and recorded in book reel volume No on page or as document fee file instrument/microfilm No.

Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME

TITLE

By

Deputy

REQUEST FOR NAME CHANGE ON COUNTY TAX RECORDS

21117

This request is for property described in the _____ County Assessor's records as:
 Code Area No. 4/5 39-8-32 Account No. 801
 in the name of Trye, Elvin & Rosa as record owner.

A. CHANGE OF RECORD OWNER. I hereby request that the above-described property be henceforth listed in the name of Trye, Rosa J. as record owner by virtue of the following reason: (Check one)

- ☐ Death of Life Estate Holder.
☒ Death of husband or wife when tenants in entirety.
☐ Property conveyed by court order in divorce or civil action.
☐ Probate court order of distribution.

B. AGENT AUTHORIZATION. I hereby request that

Name _____
 Address _____
 City _____ State _____ Zip Code _____

be designated on the county tax records as my AGENT for the above-described property. The agent named is to receive the tax statements and notices relating to taxation that are required by law to be sent to the owner of the real property. (Signature below must be that of the record owner, not that of a contract purchaser, lessee or mortgagee.)

THIS AUTHORIZATION WILL BE EFFECTIVE UNTIL RESCINDED IN WRITING, CHANGED BY STATUTE OR UNTIL A DEED IS RECORDED WHICH TRANSFERS THIS PROPERTY TO A NEW OWNER.

C. AGENT CANCELLATION. I hereby request that _____ be removed as my agent for the above-described property and that future tax statements and notices relating to taxation be mailed to:

- ☐ The record owner.
☐ The agent designated in B above.

FOR ASSESSOR'S USE ONLY

Type of county record in which above items appear: _____

Vol. _____ Page _____

Other Number _____

Date of Entry _____

J.V. No. _____

Signed

Address

Date

Received by

Office of ☒ Assessor ☐ Tax Collector

WHEN COMPLETED RETURN TO:

Processed By:

- ☐ Assessor
☐ Tax Collector

(File in Assessor's Office)

REQUEST FOR NAME CHANGE ON COUNTY TAX RECORDS

27117

This request is for property described in the _____ County Assessor's records as:
Code Area No. 4/5 39-8-32 Account No. 801
in the name of Trye, Elvin & Rosa as record owner.

A. CHANGE OF RECORD OWNER. I hereby request that the above-described property be henceforth listed in the name of Trye, Rosa J. as record owner by virtue of the following reason: (Check one)

- ☐ Death of Life Estate Holder.
☒ Death of husband or wife when tenants in entirety.
☐ Property conveyed by court order in divorce or civil action.
☐ Probate court order of distribution.

B. AGENT AUTHORIZATION. I hereby request that

Name _____
Address _____
City _____ State _____ Zip Code _____

be designated on the county tax records as my AGENT for the above-described property. The agent named is to receive the tax statements and notices relating to taxation that are required by law to be sent to the owner of the real property. (Signature below must be that of the record owner, not that of a contract purchaser, lessee or mortgagee.)

THIS AUTHORIZATION WILL BE EFFECTIVE UNTIL RESCINDED IN WRITING, CHANGED BY STATUTE OR UNTIL A DEED IS RECORDED WHICH TRANSFERS THIS PROPERTY TO A NEW OWNER.

C. AGENT CANCELLATION. I hereby request that _____ be removed as my agent for the above-described property and that future tax statements and notices relating to taxation be mailed to:

- ☐ The record owner.
☐ The agent designated in B above.

FOR ASSESSOR'S USE ONLY

Type of county record in which above items appear: _____

Vol. _____ Page _____

Other Number _____

Date of Entry _____

J.V. No. _____

Signed

Address

Date

Received by

Office of ☒ Assessor ☐ Tax Collector

WHEN COMPLETED RETURN TO:

Processed By:

- ☐ Assessor
☐ Tax Collector

(File in Assessor's Office)

901

51709

VOL 260 PAGE 206

WARRANTY DEED - (GRANTEES AS TENANTS BY ENTIRETY)

JOSEPHINE COUNTY TITLE CO. 507 N.E. SIXTH ST. - GRANTS PASS, OREGON

KNOW ALL MEN BY THESE PRESENTS, That DORIS BOYD, a single woman, grantor, in consideration of Ten and no/100 Dollars, and other good and valuable considerations, to her, paid by ELWIN FRYE and ROSA T. FRYE, husband and wife, grantees, do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Josephine and State of Oregon, bounded and described as follows, to-wit:

PARCEL I:

All of Government Lot 1 in Section 32 and that portion of Government Lot 1 in Section 31, lying East of a road known as West Side County Road all in Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon.

PARCEL II:

Beginning at the Southeast corner of the Southwest Quarter of the North west Quarter of Section 32, Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, marked by half inch iron pipe; thence run North along the East line of said legal subdivision 495 feet; thence West and parallel with the South line of said legal subdivision 1320 feet to the West line of said Section 32; thence continue West and parallel with the South line of the Southeast Quarter of the Northeast Quarter of Section 31, Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, to the Easterly right of way line of West Side County Road; thence Southerly along said Easterly right of way to the South line of said legal subdivision; thence East along the South line of the Southeast Quarter of the Northeast Quarter of Section 31 to the Southeast corner thereof; thence continue East along the South line of the Southwest Quarter of the Northwest Quarter of Section 32, 1320 feet to the point of beginning.

To Have and to Hold the above described and granted premises unto the said grantees, their heirs and assigns forever, as above stated.

And the grantor, Doris Boyd, covenant that she is lawfully seized in fee simple of the above granted premises free from all incumbrances, and that she will and her heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness my hand and seal this 1st day of June, 1965.

Doris Boyd (SEAL)
(SEAL)
(SEAL)
(SEAL)

STATE OF OREGON,

County of Josephine } ss. On this 1st day of June, 1965
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Doris Boyd, a single woman, who is

known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that she executed the same freely and voluntarily.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Lauren A. Clurkin
Notary Public for Oregon.
My Commission expires 9-30-68

WARRANTY DEED

Courtesy of
JOSEPHINE COUNTY TITLE CO.
507 N.E. SIXTH ST.
GRANTS PASS, OREGON

51709

In of Oregon, I as Clerk and Recorder of Josephine County, Oregon, do hereby certify that the within instrument was recorded for record at

JUL 16 1965



COUNTY CLERK
JOSEPHINE COUNTY OREGON

Recorded 206 of Vol. 260
DEED
DONLEY BARNES, Clerk
JOSEPHINE COUNTY OREGON
1965-9-30-67

RETURN TO

Elwin Frye and
Rosa T. Frye
5833 Mary Lee Rd.
Cave Junction, Oregon

STOCKMAN'S
PERMIT

39-8-31

App - 58536

PL 44331

* APPLICATION FOR A PERMIT

RECEIVED
2:50 P.M.
SEP 16 1942
STATE ENGINEER
SALEM, OREGON

P-15382
(Tr-4253)

appropriate the Public Waters of the State of Oregon

I, Earl and Morris Boyd
(Name of applicant)
of Cave Junction Box 356 R D #1
(Post office), County of Josephine
State of Oregon, do hereby make application for a permit to appropriate the
following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

✓ 1. The source of the proposed appropriation is Miller Waste Water
(Name of stream)
T-39 8W Sec 31 SW 1/4 NE 1/4, a tributary of West Fork Illinois River

2. The amount of water which the applicant intends to apply to beneficial use is 0.60
cubic feet per second.
(If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 874 ft. N and 1198 ft. W from the E 1/4
(N. or S.) (E. or W.)
corner of Sec 31
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the SE 1/4 NE 1/4 of Sec. 31, Tp. 39 S
(Give smallest legal subdivision) (N. or S.)
R. 8W, W. M., in the county of Josephine
(E. or W.)

5. The _____ to be _____
(Main ditch, canal or pipe line) (Miles or feet)
in length, terminating in the SW 1/4 NW 1/4 of Sec. 32, Tp. 39 S
(Smallest legal subdivision) (N. or S.)
R. 8W, W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam _____ feet, length on top _____ feet, length at bottom _____
feet; material to be used and character of construction _____
(Loose rock, concrete, masonry,
rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate _____
(Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description _____
(Size and type of pump)

(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

(Name of) _____ County, having a present population of _____
and an estimated population of _____ in 194 _____

(b) If for domestic use state number of families to be supplied _____

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$ _____
12. Construction work will begin on or before _____
13. Construction work will be completed on or before _____
14. The water will be completely applied to the proposed use on or before _____

Earl & Doris Boyd
(Signature of applicant)

Earl Boyd

Doris Boyd

Remarks: I, Edward J. Wilber give consent
to Earl & Doris Boyd to use my waste
water on his ranch.

Edward J. Wilber

STATE OF OREGON, }
County of Marion, } ss

This is to certify that I have examined the foregoing application, together with the accompanying
maps and data, and return the same for _____ completion

In order to retain its priority, this application must be returned to the State Engineer, with correc-
tions on or before _____ October 16, _____, 1942.

WITNESS my hand this _____ 16th _____ day of _____ September _____, 1942.

Chas. E. Stricklin
by Earl Humphrey
STATE ENGINEER

RECEIVED

OCT 15 1942

STATE ENGINEER
Salem, Oregon

TOWNSHIP <u>39S</u> RANGE <u>8W</u> W. M. Card # <u>1</u>																SECTION <u>31</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
TOTAL ACRES IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
3552 3555																3552	3551	
Enrolled, or Rec. Vol. <u>17</u> P. <u>425-9</u>																		
Dom <u>42</u> Part Cancelled, sp. or Rec. Vol. <u>18</u> P. <u>299</u>																		
10																12256		
11																		
10																		
30																		
52																		
12																		
30 10																		
10																		
																43568	32944	
																44811	33516	
																11	7	36456
																Illinois River		36457
																R-48932	R-5936	53142
																48933	36643	53143
																22596	V22p54	38653
																22596	V22p54	52998
																G-5920	G-5628	
																41186	30805	38963
																42635	31969	38964
																15	51185	38680
																R-54587	R-6525	
																54588	40912	

(SEE BACK OF CARD FOR PLAT OF SECTION)

20																43568	32944	
40																44811	33516	
13																11	7	36456
12																Illinois River		36457
Sp. Or. V. <u>33</u> p. <u>527</u> CANCELED																		
Res																R-48932	R-5936	53142
Dom																48933	36643	53143
32																22596	V22p54	38653
1L																22596	V22p54	52998
24																G-5920	G-5628	
08																41186	30805	38963
12																42635	31969	38964
																15	51185	38680
																R-54587	R-6525	
																54588	40912	

40																G-8071	G-7071	CANC.
333																55956	42217	2
213																T-2723	(C-38653)	
117																	C-38653	457
1661																54940	43107	
09																57580	43352	
12																58536	44331	
21																58536	44331	
12																T-4234	(C-36456)	
																T-4253	(C-15604)	
																T-4253		
																R-59517	R-7986	
																59555	44635	
																59536	44980	

IF OTHER THAN 40 ACRES

30																60379	45759	
																48933	36643	53143
																222		

8/18/86

These affidavits were received with others from the same persons, pertaining to certificate rights

Jim C
see ORS 537.260 (3)

AFFIDAVIT

RECEIVED

AUG - 6 1986

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon
County of Josephine

I, Bob L. Jones, being first duly sworn,
state that I have personal knowledge that the water right
described as follows:

Page 33516
3 acres 1968

39-8-31
SE $\frac{1}{4}$ OF NE $\frac{1}{4}$

has not been used on the above land for 5 years from
1980 to 1986

I have been on the land, and also live next to it, so
I have personal knowledge that the water right has not
been used for at least 5 years.

In the event that there is a hearing regarding the
above water rights and their non-use, I will testify to
the above facts.

In Witness Whereof, I have hereunto set my hand this
2nd day of Aug, 1986.

Bob L. Jones

Subscribed and sworn to before me this 2 day of
Aug, 1986.

Walter E. McFar
Notary Public for Oregon

My commission expires June 16, 1990

AFFIDAVIT

State of Oregon
County of Josephine

I, Carl B. Jacobson, being first duly sworn,
state that I have personal knowledge that the water right
described as follows:

Page 33516
3 acres 1968

39-8-31
SE $\frac{1}{4}$ of NE $\frac{1}{4}$

has not been used on the above land for 5 years from
1980 to 1986

I have been on the land, and also live next to it, so
I have personal knowledge that the water right has not
been used for at least 5 years.

In the event that there is a hearing regarding the
above water rights and their non-use, I will testify to
the above facts.

In Witness Whereof, I have hereunto set my hand this
1st day of Aug, 1986.

Carl B. Jacobson

Subscribed and sworn to before me this 1st day of
August 1986.

[Signature]
Notary Public for Oregon
NOTAR
My commission expires 4-27-87

My commission expires

RECEIVED

SEP 29 1987

TO: Bob Steimer

WATER RESOURCES DEPT. September 21, 1987
SALEM, OREGON

FROM: Norm Daft *ND*

SUBJECT: Wilber Waste, T39s/R8w-31

I'm having a problem with making sense of the water rights and with distribution of water from "Wilber Waste". The permits involved here are 44331, 15382 and 7161.

Permit 7161, issued to Edward Wilber, states the source of water is Second Gulch with points of diversion in the SE1/4 NW1/4 and SW1/4 SW1/4. The point of diversion in the SE1/4 NW1/4 is not Second Gulch, but a spring according to the application map and final proof maps. The spring, however appears to be near the origin of Second Gulch. The maps also show the lower portion of Second Gulch to be what is now known as Woodcock Creek. The permit does not state the quantity of water to be diverted from each source or diversion point.

Water was apparently diverted from Second Gulch in the SW1/4 SW1/4 by the Findley Ditch. This ditch has not been used for many years judging from its' condition (overgrown with only a slight depression remaining on the ground).

Bob Jones and Carl Jacobson submitted affidavits of non use of this water right in August 1986. A hearing was held on February 23, 1987. No final order has been issued yet, however a call from Jim Carver on September 14, 1987 confirmed the loss of this right.

Bob Jones is the major owner of lands under permit 15382. This permit, in item 1, lists the source of water as "Wilber Waste Water T39, 8W Sec 31 SW1/4 NE1/4". The point of diversion is listed in item 4 as being in the "SE1/4 NE1/4". Mr. Jones contends the actual point of diversion is that stated in item 1.

The Adjudication Map supports Mr. Jones. It shows several ditches diverting from what is now known as Wilber Waste Stream. One of the ditches is shown as emptying into Frost Gulch just above the Home Ditch diversion. The Adjudication Map does not show any of the irrigation for permit 7161 (Edward Wilber).

The application map for permit 15382 shows the point of diversion in Frost Gulch at about the same location as the Home Ditch diversion. It also shows the ditch from Second Gulch (Findley Ditch) continuing beyond Wilber Waste Stream to Frost Gulch near the Home Ditch diversion. The portion of the ditch shown beyond Wilber Waste Stream to Frost Gulch is similar to what exists today. The ditch shown above it from the stream to Frost Gulch is similar to what is shown on the Adjudication Map.

The 1940 and 1960 aerial photos show ditches similar to the Adjudication Map. They also show a ditch from Wilber Waste Stream southeast from those shown on the Adjudication Map and similar to what exists today. This is particularly noticeable on the 1960 photo.

Now, since the water right under permit 7161 in the name of Edward Wilber has been forfeited, what is the status of Mr. Jones' water right, permit 15382? Has it also been lost since

water is no longer being wasted?

It may be that water diverted by Mr. Wilber in excess of what was required for irrigation ended up in Frost Gulch and was picked up in the home Ditch. The permit, however, has a statement in the remarks signed by Edward J. Wilber giving consent to Earl and Doris Boyd to use his waste water on their ranch. This leads me to believe that they diverted the water from the Wilber property.

If Mr. Jones' right has not been lost, and it is determined he can take all the water for permit 15382 from Wilber Stream then he may want to request a correction in the certificate to show the point of diversion in the SW1/4 NE1/4. Mr. Jones has stated he can gather testimony from one of the applicants for the permit, Doris Boyd, and others.

Permit 44331 is in the name of Douglas Stohlman. The application map shows the point of diversion as a pipeline originating on tax lot 601 in the SW1/4 NE1/4. This property is owned by Keith T. McMurray, 6016 Westside Rd. Since the application was filed the pipeline heading southeast has been abandoned in favor of a ditch heading northeast. The ditch takes out of Wilber Waste Stream at about the same location as the original pipeline. Water is conveyed to a small pond on tax lot 1010 in the SE1/4 NE1/4. A pipeline diverts water from the pond to Stohlman's irrigation system. Water which continues beyond the pond flows into Frost Gulch just above the Home Ditch Diversion.

The ditch now being used by Mr. Stohlman is claimed by Bob Jones. Mr. Jones feels the State should not grant a water right certificate for anyone to take water out of his ditch.

I agree with Mr. Jones in as much as the State should not be in the business of confusing water distribution or creating civil problems for water users. Since the Watermaster has no authority to distribute water from private ditches, it creates a problem for Mr. Jones.

Mr. Stohlman should have to prove he has a right to use the ditch prior to the issuance of a certificate which shows the ditch as part of his system. This should be the case even if it is found that Mr. Jones' water right is lost since the ditch originates on and crosses other peoples property.

As stated earlier, it would be very helpful to those of us in the field, if the Water Resources Department would look at the issuance of water rights from a distribution standpoint. Water distribution is, after all, the end product of the whole water right system.



STATE OF OREGON

INTEROFFICE MEMO

TO: Steve Applegate

FROM: Bob Steimer, District #14 *BS*

SUBJECT: Wilber Waste, T39S/R8W-31

DATE: September 28, 1987

RECEIVED

SEP 29 1987

WATER RESOURCES DEPT.
SALEM, OREGON

Enclosed is a copy of Norm's memo to me concerning the area you inspected while you were here a week or so ago.

I thought it might be of some help to you. That area has had a lot of confusing activity take place in the past.

Encs.



STATE OF OREGON

INTEROFFICE MEMO

TO: STEVE A

DATE: ~~8~~ 11-9-88

FROM: Tom

SUBJECT: WILBUR WASTE

BUD BARTELS BROUGHT STEIMER'S MEMO TO US.

LOOKS LIKE ADVERSE REPORT FOR P-44331 UNLESS
GULCH CAN BE CONSIDERED ALWAYS MAKING UP DEF OF WILBUR
WASTE.

I SUPPOSE BOB WOULD LIKE THIS CLEARED BEFORE
NEXT SEASON



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

378-3066

August 3, 1989

TO: Bob Steimer, Bud Bartels, Steve Applegate → *Yes*

FROM: Weisha Mize

SUBJECT: Continuing Saga of Wilbur Waste

Additional info obtained from files, and more questions:

1. Records are clear that C. 15604 (Boyd) was for waste or runoff water from use under C. 9126 (Wilbur) [see enclosed additional references]

2. Transfer 4253 (Jones) was approved for 5.8 acres from C.15604 in October 1979. C.15604 was to be cancelled, remaining right cert. of 1.2 acres issued, and confirming cert. on T4253 issued on proof of beneficial use. Beneficial use was to have been made by 1981. Final proof survey done by Suzie James 3/21/84. (Enclosed) No confirming cert. issued yet.

3. Transfer 4253 approved in 1979, BUT C.9126 had not been used between 1973 and 1986, and C 9126 cancelled in its entirety in 1987. Remaining rights cert. of 1.2 acres left in C. 15604 appears to have been made (see attached) but note says not to issue until final proof made on transfer. If underlying C. 9126 lost and cancelled for nonuse, technically can be no use under C.15604 and no transfer of any or part of C15604 through T-4253.

4. Director on his own motion can initiate cancellation. Need to develop clear history of all these cancellations and transfer with explanation that while there may be other waters in the gulch (name?) that carried waste water, underlying application and certificate 15604 was for use of waste water from C. 9126, and that Dept. was in error in granting T-4253 when source, waste from C.9126, no longer exists. Jones will either have to try and file for change in source, if this is allowed, or file new application for water in this gulch. Can Department correct source on its own, since was our mistake, subject to proof that there is water in this gulch? S. James' survey would indicate that there is water. Would we need to determine with more specificity the source of water and the means by which it enters this gulch, gully, or whatever you call it?

5. Wilbur Waste Water has been used to describe both the runoff and the natural feature carrying the runoff.

6. Does Stohlman still own the 0.28 acre in TL 1008, T39S, R8@, Section 31? If are going to cancel would have to include him, also. This is the last bit remaining under C.15604; 0.95 acre of the 1.2 acres remaining after transfer was cancelled in 1988, PC 87-16.

7. T-4234 comes into play here somewhere and I need some help straightening it out.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF BOB L. JONES & ROSA FRYE FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4253

On July 11, 1979, an application was filed in the office of the Water Resources Director by Bob L. Jones and Rosa Frye for approval of a change in place of use of water from Wilbur Waste Water, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 15604, Volume 13, State Record of Water Right Certificates, in the names of Earl and Doris Boyd, describes a right which includes the use of not to exceed 0.116 cubic foot per second from Wilbur Waste Water for irrigation of a certain 0.8 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31; and 5.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 39 South, Range 8 West, W.M., with a date of priority of September 15, 1942.

Water for the said right is diverted, through the Home Ditch, from a point located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 39 South, Range 8 West, W.M.

The applicants herein, owners of the lands above described, propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 2.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.1 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31; 1.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 39 South, Range 8 West, W.M.

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.

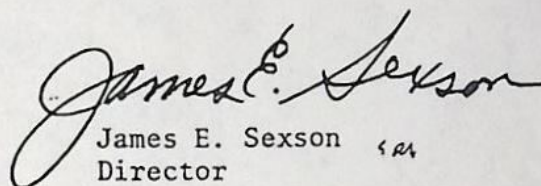
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 15604, 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 applicants herein.

Dated at Salem, Oregon this 15th day of October, 1979.


James E. Sexson
Director

RECEIVED

JUL 11 1978

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Bob L. Jones & Rosa Frye

(Name of applicant)

of 5833 Westside Road

(Mailing address)

Cave Junction,

(City)

State of Oregon

97523

(Zip Code)

503-592-2337

(Phone number)

do hereby make application for change

In place of use

(In point of diversion; place of use; use heretofore made of the water)

YES, ~~C-36546 Elwin & Rosa Frye~~^{5/24}

1. Is the water right recorded in your name? C-15604 Earl & Doris Boyd

(If not, give name)

2. Was your water right determined by Decree of Court? NO If so, give title of proceedings

(Yes or No)

Illinois River Decree

number of certificate 13950 (36546)^{5/24}

3. Was your water right acquired by Water Right Permit? Yes If so, give number

(Yes or No)

of permit 15382 Number of certificate 15604

19715

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

~~C-36546 Frost Cu. & Choke Cherry Cu.~~^{5/24}

4. The source of water is C-15604 Wilber Waste Water

C36546-1873^{5/24}

5. What is the date of priority of your water right? C-15604 Sept. 15, 1942

800

N.

950

E.

S.E.

6. The authorized point of diversion is located 950 ft. N. and 1050 ft. E. from the E. 1/4

(N. or S.)

30

(E. or W.)

Sec. 30

s.e.

s.e.

30

corner of Sec. 31 being within the s.e. 1/4 s.e. 1/4 of Section 31 Tp. 39 s. R. 8 W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Josephine The name of the ditch used is Home ditch

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____

(N. or S.)

(E. or W.)

corner of _____ being within the _____ 1/4 _____ 1/4 of Section _____ Tp. _____ R. _____ W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of _____ The name of the ditch to be used is _____

8. The use to which the water is applied is Irrigation

(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
39S	8W	31	SE¼ NE¼	1.3 (C-36456)
39S	8W	31	SE¼ NE¼	0.8 (C-15604)
39S	8W	31	NE¼ SE¼	1.7 (C-36456)
39S	8W	32	SW¼ NW¼	3.2 (C-36456)
39S	8W	32	SW¼ NW¼	5.0 (C-15604)
39S	8W	32	NW¼ SW¼	1.6 (C-36456)

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? YES

(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? NO

(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? YES

(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is Irrigation

(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
39S	8W	31	SE¼ NE¼	1.5 (C-36456)
39S	8W	31	SE¼ NE¼	2.1 (C15604)
39S	8W	31	NE¼ SE¼	1.6 (C-36456)
39S	8W	31	NE¼ SE¼	1.1 (C-15604)
39S	8W	32	SW¼ NW¼	2.5 (C-36456)
39S	8W	32	SW¼ NW¼	1.5 (C-15604)
39S	8W	32	NW¼ SW¼	2.2 (C-36456)
39S	8W	32	NW¼ SW¼	1.1 (C-15604)

(If more space required, attach separate sheet)

5.8

7/30/79
508
Written authorization to delete reference to C-36456 received from Bob L. Jones (sic 7-12-79)

14. Reasons for the proposed changes are To relocate water rights to areas under Irrigation that were not previously covered.

15. Construction work will be completed on or before October 1, 1980

16. The water will be completely applied to the proposed use on or before October 1, 1980
I Bob L. Jones

Remarks On the original map submitted I presently own the shaded portion of the property shown, and have proposed to purchase some of the adjoining property from Rosa Frye as shown on map submitted. My present property was purchased from Rosa Frye a number of years ago.

Enclosed is an additional \$30.00 for the second application.

File # T-4234

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Bob L. Jones & Rosa Frye, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 25th day of June, 1979.

Rosa Frye
Rosa Frye

Bob L. Jones
(Name of applicant) Bob L. Jones

Subscribed and sworn to before me this 25th day of June, 1979.

[Notarial Seal]

Raymond M. Barbe
NOTARY PUBLIC FOR OREGON

My commission expires May 4, 1980



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Oct. 4, 19 79.FROM: ** Robert B. Steimer, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4253IN THE NAME OF Bob L. Jones & Rosa Frye

RECEIVED

OCT - 8 1979

WATER RESOURCES DEPT
SALEM, OREGON

In my opinion the proposed change in place of use of water from Wilber Waste Water
MAY BE MADE WITHOUT INJURY ~~to an existing water right.~~ to an existing water right.

Headgate notices ~~have~~ HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? _____
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- _____ (1) PRIOR to the diverting of water at the new point of diversion . . .
X (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

**

Watermaster's signature or initials

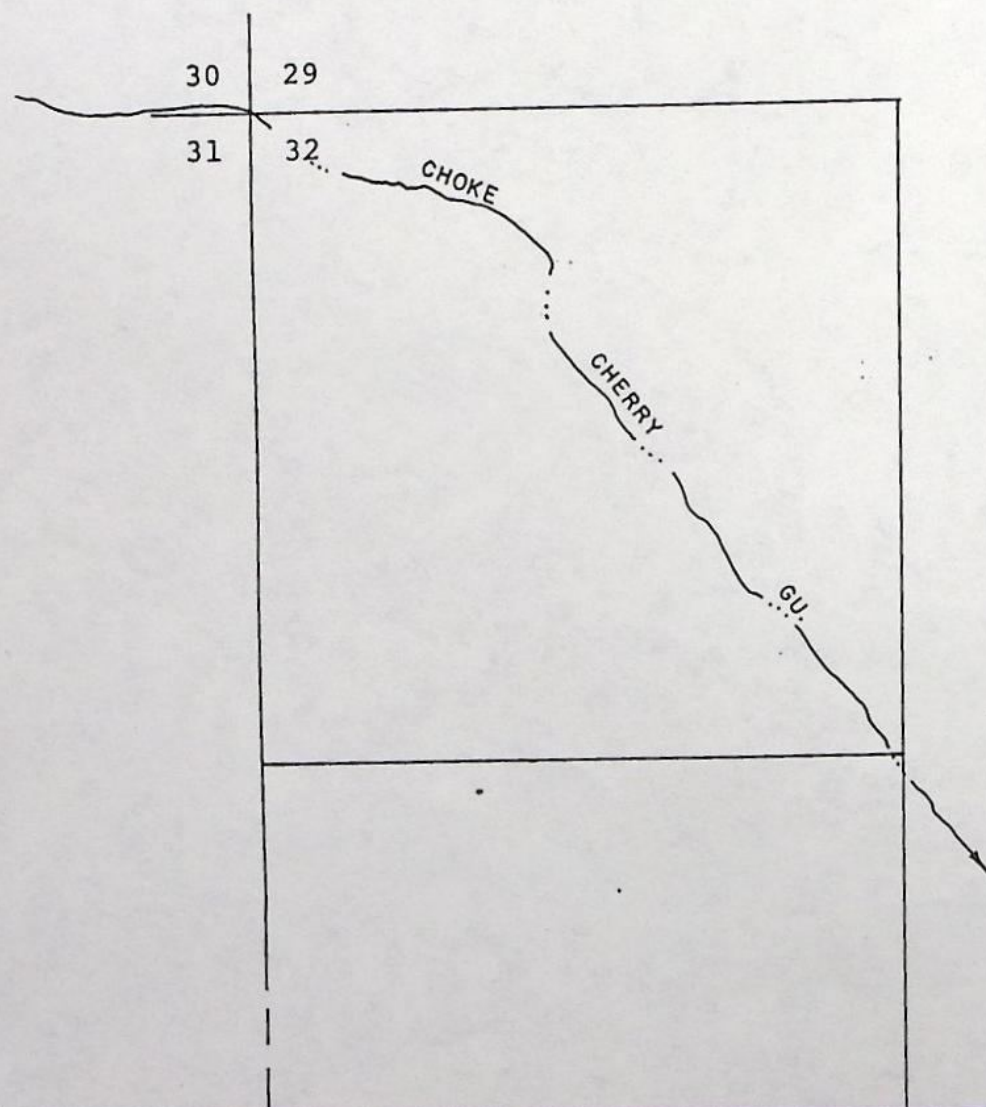
TOWNSHIP 39 S. RANGE 8 W. W. M.

JOSEPHINE COUNTY

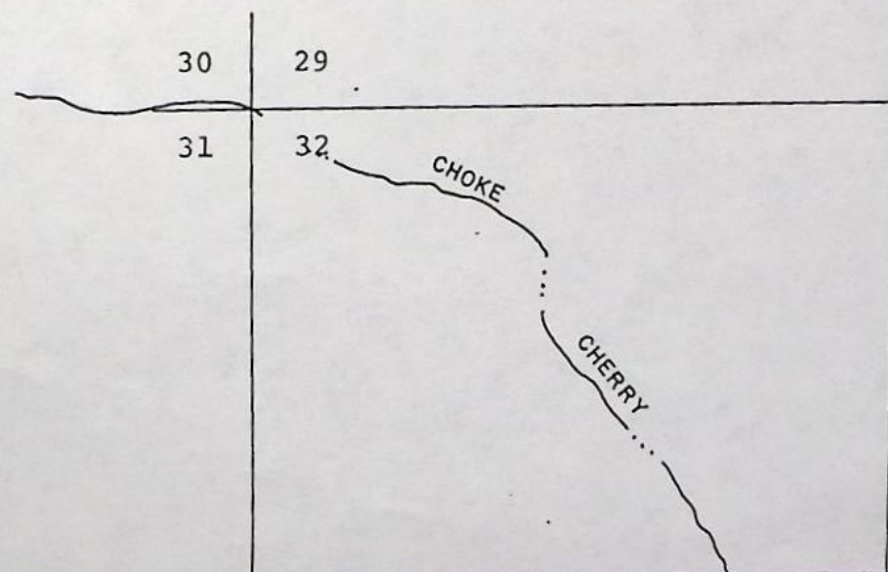
SCALE 1" = 400'

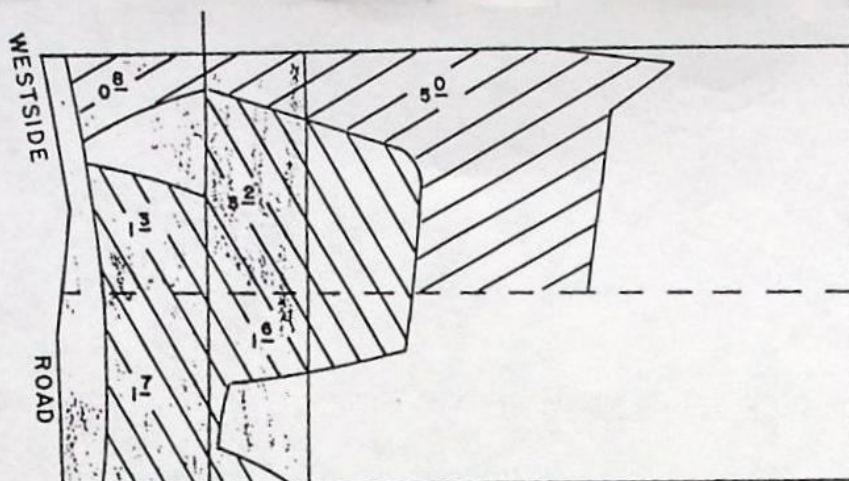
REV. 1/10

WATER RESOURCES
SALMON DIVISION



Map to accompany transfer for
Bob L. Jones



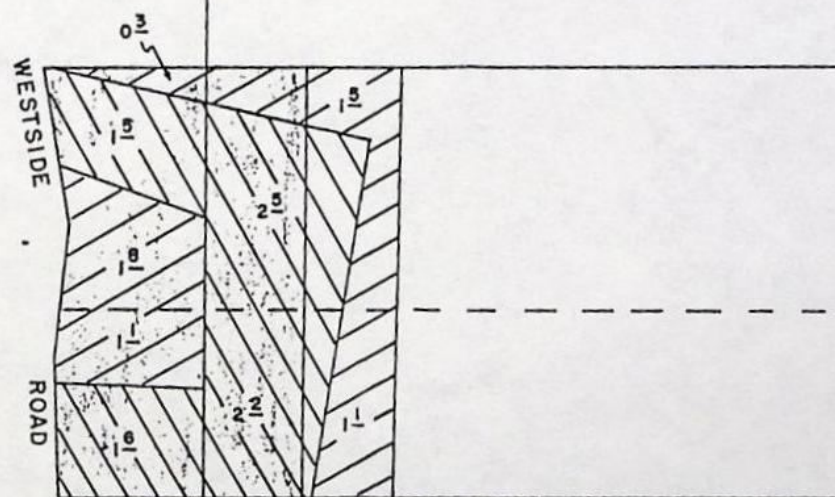
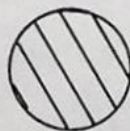
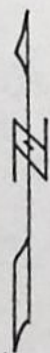


Present Place of Use

SECRET

JUN 7 1979

WATER RESOURCES DEPT.
SALEM, OREGON



Proposed Place of Use

T-4234

80-

T-4253

THIS MAP PREPARED BY:

FROM INQUIRY RETURNED BY
THE APPLICANT.

19796

September 16, 1942

Earl and Doris Boyd
Route 1, Box 356
Cave Junction, Oregon

Dear Sir and Madam:

This will acknowledge receipt of your application for a permit to appropriate 0.60 second-foot of waste water for irrigation, together with fees in the amount of \$9.60, for which Receipt No. 28944 is enclosed.

The application has been filed and given No. 19796. It has been checked over and found to be incomplete.

Under Item 1, the forty-acre tracts, section, township and range from which the water in question wastes should be indicated.

Under Item 8, the number of acres to be irrigated in each forty-acre tract should be specified.

If the ditch or flume carrying the waste water in question is wholly owned by you, you should submit a statement to this effect. If it is not wholly owned by you, it is necessary as provided by Oregon law that you submit an agreement between yourself and any other owner or owners authorizing your use of the ditch or flume in connection with your contemplated appropriation.

For your convenience in completing your application as suggested, I am enclosing it herewith, endorsed so that in order to retain its priority, it must be returned to this office within thirty days or on or before October 16, 1942.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:bo
encls.

Cave Junction, Ore
Oct 13th 1942

19796

Dear Sir:

In regard to water

ing. No 19796-

At present this waste
water we are making
application for, will
not run through the
flume

It will run in old
ditch which parallels
the flume. It is
owned wholly by us,
Earl and Doris Boyd

Respectfully
Earl Boyd

August 6, 1979

Files Nos. T-4234, T-4253

Dear Mr. Allison:

To your letter of August 1, concerning Certificate No. 15406 containing 2.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T39S, I show the 0.8 acres in my property, and do not know anything about the balance of 1.2 acres and it must have been sold off of the original Boyd property some years ago as to the property that joins me it is in trees and has no way of watering this property as to my knowledge.

The transfer and relocation of the water rights on Files T-4234 and T-4253 are the only water rights that I have anything to do with.

Sincerely,

Bob L. Jones

Re attached message:

Norm said you'll have to issue a RR cert for 1.2 ac because they (applicants) refuse to abandon it. Land is not being irrigated, but they won't budge on stand to retain it. Something should clear up w/ survey of 58536

Don B. has
app. folder

RECEIVED

AUG 6 - 1979

WATER RESOURCES DEPT
SALEM, OREGON

DATE	8-16	TIME	8:25
WHILE YOU WERE OUT			
Norm		CALLED	
G- Pass		OF	
474-5385		PHONE	
TELEPHONED	X	IN PERSON TO SEE YOU	
PLEASE CALL	X	WANTS TO SEE YOU	
WILL CALL AGAIN		RETURNED YOUR CALL	
MESSAGE			
RE: T-4234 C 15604			
58536, 0.9 ac is			
part of J. Will have to			
issue, rm, rd l Stollen			
TAKEN BY J for 0.9 ac - T23			

FORM 81-125-1619



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

August 1, 1979

Bob L. Jones
5833 Westside Road
Cave Junction, Oregon 97523

RE: Files Nos. T-4234, T-4253

Dear Mr. Jones:

Certificate No. 15406 contains a right to irrigate 2.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T 39S, R 8W, W.M. Your application shows a change in place of use of 0.8 acre under this right. Does the remaining 1.2 acres belong to someone else? Is it irrigated? What is its location? We need this information so we can complete your transfers.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

July 24, 1979

Bob L. Jones and Rosa Frye
5833 Westside Road
Cave Junction, Oregon 97523

RE: Files Nos. T-4234, T-4253

Dear Sir and Madam:

Your second water right transfer application for approval of changes in place of use of water from Wilber Waste Water, together with supporting data and fees of \$30, was received July 11, 1979. Our receipt No. 12765 is enclosed.

Since both applications refer to two certificates (15604 & 36456), it is necessary for us to remove reference to certificate 15604 from one application and reference to certificate 36456 from the other. The same acreage will still be transferred. We need your written authorization to make the corrections.

We are still unclear as to just what land with water right Ms. Frye presently owns. Is it the remainder of tax lot 801, and does it include the water right cited in certificate 15604? Please show on the enclosed map the land owned by Ms. Frye.

We will continue processing of the applications upon receipt of your written authorization and the corrected map.

Please refer any correspondence to files Nos. T-4234 and T-4253.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: Robert B. Steimer, Watermaster

RECEIVED

JUL 11 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Bob L. Jones & Rosa Frye
(Name of applicant)

of 5833 Westside Road, Cave Junction,
(Mailing address) (City)

State of Oregon, 97523, 503-592-2337 do hereby make application for change
(Zip Code) (Phone number)

In place of use

(In point of diversion; place of use; use heretofore made of the water)

YES, ~~C-36546 Elwin & Rosa Frye~~ ^{5/26}

1. Is the water right recorded in your name? C-15604 Earl & Doris Boyd
(If not, give name)

2. Was your water right determined by Decree of Court? NO If so, give title of proceedings
(Yes or No)

Illinois River Decree number of certificate 13950 (36546) ^{5/26}

3. Was your water right acquired by Water Right Permit? Yes If so, give number
(Yes or No)
of permit 15382 Number of certificate 15604

19796

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

~~C-36546 Frost Cu. & Choke Cherry Cu.~~ ^{5/26}

4. The source of water is C-15604 Wilber Waste Water

C36546 1873 ^{5/26}

5. What is the date of priority of your water right? C-15604 Sept. 15, 1942

6. The authorized point of diversion is located 800 ft. N. 950 ft. E. S.E.
(N. or S.) (E. or W.)

corner of Sec. 30 s.e. s.e. 30 being within the s.e. 1/4 s.e. 1/4 of Section 31 Tp. 39 s. R. 8 W. W. M.,
(No. N. or S.) (No. E. or W.)

in the county of Josephine The name of the ditch used is Home ditch

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____
(N. or S.) (E. or W.)
corner of _____ being within the _____ 1/4 _____ 1/4 of Section _____ Tp. _____ R. _____ W. M.,
(No. N. or S.) (No. E. or W.)
in the county of _____ The name of the ditch to be used is _____

7/30/79
5006
received from Bob L. Jones
(see T-1234)
C-36456
Written authorization to delete reference to

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
39S	8W	31	SE1/4 NE1/4	1.3 (C-36456)
39S	8W	31	SE1/4 NE1/4	0.8 (G-15604)
39S	8W	31	NE1/4 SE1/4	1.7 (C-36456)
39S	8W	32	SW1/4 NW1/4	3.2 (C-36456)
39S	8W	32	SW1/4 NW1/4	5.0 (C-15604)
39S	8W	32	NW1/4 SW1/4	1.6 (C-36456)

(If more space required, attach separate sheet)

5.8

9. Are you the legal owner of the above described lands? YES
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? NO
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? YES
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
39S	8W	31	SE1/4 NE1/4	1.5 (C-36456)
39S	8W	31	SE1/4 NE1/4	2.1 (C15604)
39S	8W	31	NE1/4 SE1/4	1.6 (C-36456)
39S	8W	31	NE1/4 SE1/4	1.1 (C-15604)
39S	8W	32	SW1/4 NW1/4	2.5 (C-36456)
39S	8W	32	SW1/4 NW1/4	1.5 (C-15604)
39S	8W	32	NW1/4 SW1/4	2.2 (C-36456)
39S	8W	32	NW1/4 SW1/4	1.1 (C-15604)

(If more space required, attach separate sheet)

5.8

14. Reasons for the proposed changes are To relocate water rights to areas under Irrigation that were not previously covered.

15. Construction work will be completed on or before October 1, 1980

16. The water will be completely applied to the proposed use on or before October 1, 1980
I Bob L. Jones

Remarks On the original map submitted I presently own the shaded portion of the property shown, and have proposed to purchase some of the adjoining property from Rosa Frye as shown on map submitted, My present property was purchased from Rosa Frye a number of years ago.

Enclosed is an additional \$30.00 for the second application.

File # T-4234

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

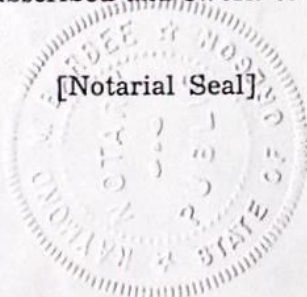
I, Bob L. Jones & Rosa Frye, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 25th day of June, 1979.

Rosa Frye
Rosa Frye

Bob L. Jones
(Name of applicant) Bob L. Jones

Subscribed and sworn to before me this 25th day of June, 1979.



Raymond M. Burke
NOTARY PUBLIC FOR OREGON

My commission expires May 4, 1980



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Oct. 4, 1979.FROM: ** Robert B. Steimer, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4253IN THE NAME OF Bob L. Jones & Rosa Frye

RECEIVED

OCT - 8 1979

WATER RESOURCES DEPT
SALEM, OREGON

In my opinion the proposed change in place of use of water from Wilber Waste Water
MAY BE MADE WITHOUT INJURY ~~to an existing water right.~~ to an existing water right.

Headgate notices ~~have~~ HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? _____
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- _____ (1) PRIOR to the diverting of water at the new point of diversion . . .
X (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

**

Robert B. Steimer
Watermaster's signature or initials



STATE OF OREGON

INTEROFFICE MEMO

A-58536

TO: STEVE

DATE: 4-23-87

FROM: Tim

Resurvey
4-24-87

SUBJECT: Perm: + 44331 (TAX LOT 1009)

ANSWER OF FINDINGS CONSIDERABLY SHORT OF PERMIT REQUEST.
I ASKED SUE FOR OWNERSHIP & BASED ON WHAT SHE SENT I SUSPECTED WE
DID NOT GET ALL THE INFO.

ARNOLD STOLLMAN (DOUGLAS' DAD) TOLD ME HE IRRIGATES GRASS
& TREES. HE HAS ALSO "HEARD" ABOUT OLD RIGHT WHICH YOU TRIED TO GET
CANCELED IN '79.

I BELIEVE WE SHOULD GO BACK & GET INFO FOR ALL
OF PERMIT & CHECK ON EVIDENCE OF USE OF 1942 RIGHT.

SEE HTPK. 58536

Survey w/ T-4234

REPORT ON INSPECTION OF TRANSFER
OF WATER RIGHT FOR CHANGE IN:POD
POU
USE
Add'l PODTransfer No. 4253County JosephineOld Certificate No. 156041. Name Bob L. Jones ✓Address 5833 Westside Rd, Cave Junction, OR 975232. Source of Water Wilbur waste water Trib of W. Fk. Illinois R.3. Use in 1st ac 5.8 AC4. Amount of Water 0.116 cfs5. Priority Date 9-15-1942

6. Proposed Point of Diversion _____

7. Completion Date 10-1-81

8. Place of Use: _____

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
<u>39S</u>	<u>8W</u>	<u>31</u>	<u>SE NE</u>	<u>2.1 ac</u>
		<u>31</u>	<u>NE SE</u>	<u>1.1 ac</u>
		<u>32</u>	<u>SW NW</u>	<u>1.5 ac</u>
		<u>32</u>	<u>NW SW</u>	<u>1.1 ac</u>
<u>39S</u>	<u>8W</u>	<u>31</u>	<u>SE 1/4 NE 1/4</u>	<u>2.3 AC</u>
"	"	<u>31 (Lot 1)</u>	<u>NE 1/4 SE 1/4</u>	<u>1.0 AC</u>
"	"	<u>32</u>	<u>SW 1/4 NW 1/4</u>	<u>1.5 AC</u>
"	"	<u>32 (Lot 1)</u>	<u>NW 1/4 SW 1/4</u>	<u>1.0</u>
				<u>5.8 AC TOTAL</u>

PH: 179-2346
3/28/84 BSJ

APPLICATION NO. _____ PE _____
TRANSFER NO. 4253

PERMIT NO. _____

INFO : NAMES : BOB C. JONES

ADDRESS: 5833 WESTSIDE RD, CANYON JUNCTION, OR 97523

TALKED TO: BOB JONES

SOURCES : WILDER WASTE WATER

SYSTEM DETAIL: WATER COLLECTS FROM MOUNTAIN RUN-OFF & THREE
UNNAMED STREAMS FLOW INTO DRAINAGE (MAN-MADE & MAINTAINED)
CHANNEL THAT IS NAMED: "WILBER WASTE WATER"

"WILDER WASTE WATER" FLOWS INTO COLLECTION POND OFF DIA., 3 1/2 days

FROM COLLECTION POND WATER ^{GRAVITY} FLOWS THRU 1-4" P.V.C PIPE LINE
TO JANE'S HEADGATE. THEN THROUGH HEADGATE INTO JANE'S HOLDING POND

DIVERSION: ~~DIRECT~~ 20" DIA, 6" DEEP PUMPS DIRECT FROM POND TO DISTRIBUTION SYSTEM.

STRUCTURE: "WILDER WASTE WATER" COLLECTION POND.

(2-4" PIPE LINES FROM COLLECTION POND
TO HOLDING POND.

PUMP: MAKE: Brain Flow

TYPE: CENT

INTAKE SIZE: 3"

DISCHARGE SIZE: $2\frac{1}{2}"$

MODEL NO: _____

RATING: _____

MOTOR: MAKE: Louis allis co

TYPE : ELEC.

H.P. : $7\frac{1}{2}$

RPM: 3510

POWER CONNECTION : DIRECT : PULLEYS : (DRIVE PULLEY) , (DRIVEN PULLEY)

DISTRIBUTION SYSTEM: BURIED MAIN W/ RISERS. PORTABLE LATERALS

MAIN LINE: SIZE: 4" LENGTH: 300' TYPE: PVC
4" 1000' ALUM

LATERALS: SIZE: 3" LENGTH: 1600' TYPE: ALUM. (PORTABLE)
 SIZE: _____ LENGTH: _____ TYPE: _____

SPRINKLERS: NO. OF HEADS: 60

MAKE : RB'S _____

MODEL NO.: 305

NOZZLE SIZE: 5/32 x 3/32

MAXIMUM USED: 40

~~IN OPERATION~~: MEAN PRESSURE: 45 PSI - OWNER STATED.

NO. OF HEADS: _____

LIFT : PUMPING SITE
SUCTION : 5'
DISCHARGE : -20'

NO. OF HEADS :
WILBER COLLECTION POND TO HEADGATE = 80 ft fall.

USE: PASTURE (CATTLE) & HAY.

TIE: AMONUMENTS:

30	39
31	72

 2" I. PIPE.

SURVEYED ON: 179-234L

P. S. J. Jones

DATE: 3/28/84

WATER RIGHTS EXAMINER

REMARKS: MR. JAMES F. NEIGHBOR MR. STOLLMAN (58536) HAVE "WILDER WASTE
WATER" ONLY.



STATE OF OREGON

INTEROFFICE MEMO

TO: Bud Bartels

FROM: Robert B. Steimer *RBS*

SUBJECT: Wilbur Waste Water

DATE: October 31, 1988

RECEIVED

NOV - 2 1988

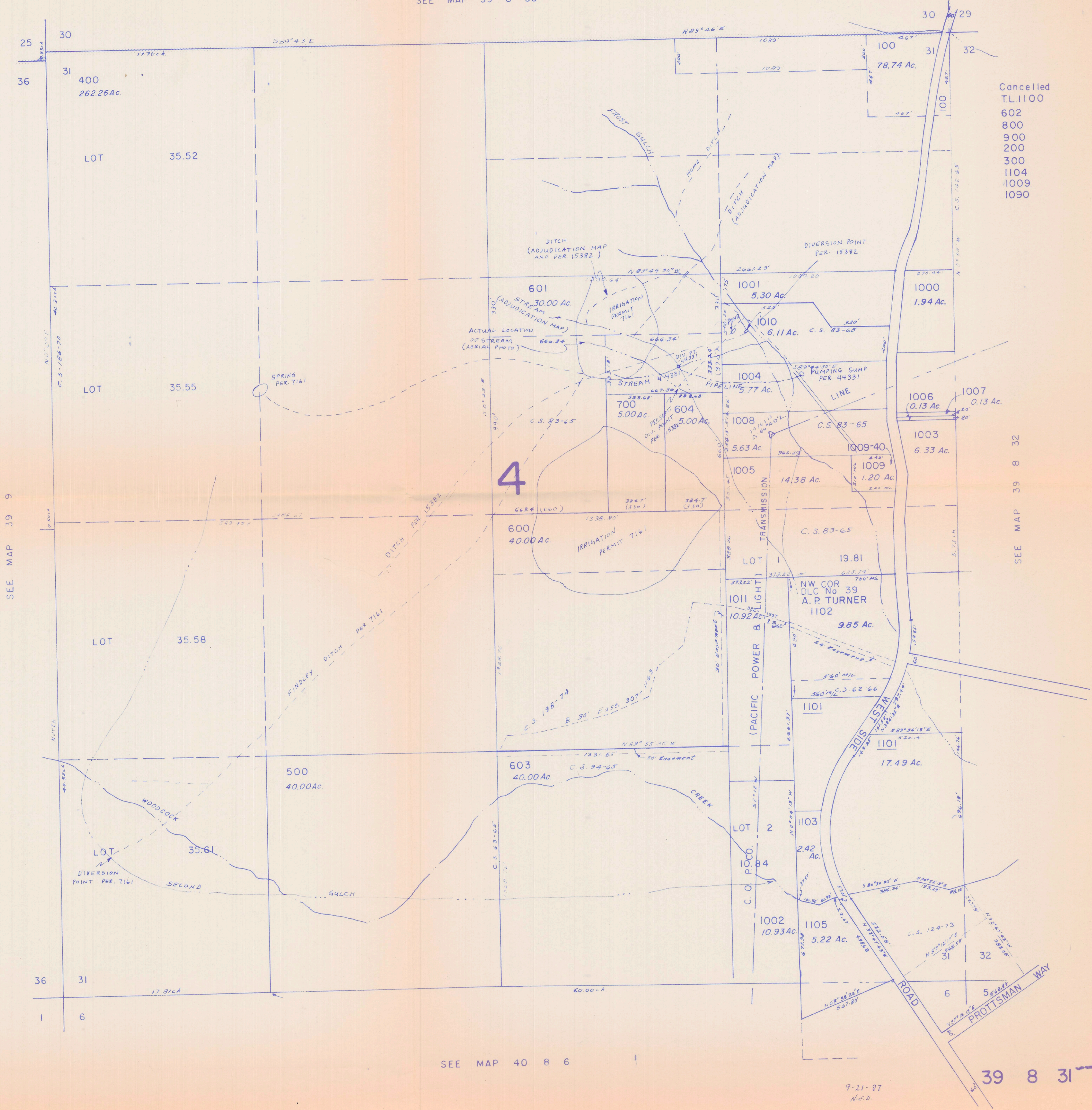
WATER RESOURCES DEPT.
SALEM, OREGON

I have enclosed a packet of materials concerning the Wilbur Waste water certificate. It appears to me the source of water for the "waste" is no longer available.

It also appears issuing a superseding certificate on part of certificate 15604 might be somewhat misleading in the neighborhood.

I think Norm's memo to me describes pretty well what has happened.

RBS/mh
Enc.



Cancelled
TL 1100
602
800
900
200
300
1104
1009
1090

SEE MAP 39 8 32

RECEIVED

SEP 29 1987

WATER RESOURCES DEPT.
SALEM, OREGON