

4634

Name Terry L. Tibbets
By _____
Address 591 Indian Creek Road
Selma, OR 97538

Change in POD
Date filed Nov 6, 1980
Date of hearing Jan 22, 1981
Place of hearing Grants Pass
Date of order 2-18-81 Vol. 34, page 303
Date for application of water complete
Proof mailed _____
Proof received _____
Certificate issued Aug 5, 81 Vol. 44, page 50159
JAN 22 1987 51 55504

DESCRIPTION OF WATER RIGHT

Name of stream Draper Creek
Trib. of _____ County of Josephine
Use irr.
Quantity of water _____ No. of acres 8.5
Name of ditch _____
Date of priority 1887
In name of State Land Board
Illinois River Adjudication, Vol. 13, page 120
App. No. _____ Per. No. _____ Cert. No. 13923
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-6-80</u>	<u>35.00</u>	<u>21398</u>
<u>11-24-80</u>	<u>100.00</u>	<u>21637</u>
TOTAL . . .		
	Cert. Fee	

Daily Courier #45.30 pd 12/29/80 CR#4499

FEES REFUNDED

Date	Amount	Check No.
<u>12-29-80</u>	<u>54.70</u>	<u>4500</u>

*Ex 20-
POD 15-
PON 45 30
80 30*

REMARKS

W.R.I.S.

Assembled 1-29-85 by SD

Entered _____ by _____

Verified _____ by _____

INDEX CARDS: Entered Checked

☒	Name	<u>gij</u>	_____
☒	Stream	<u>gij</u>	_____
☒	Pt. of Div.	_____	_____
☒	Calendar	_____	_____

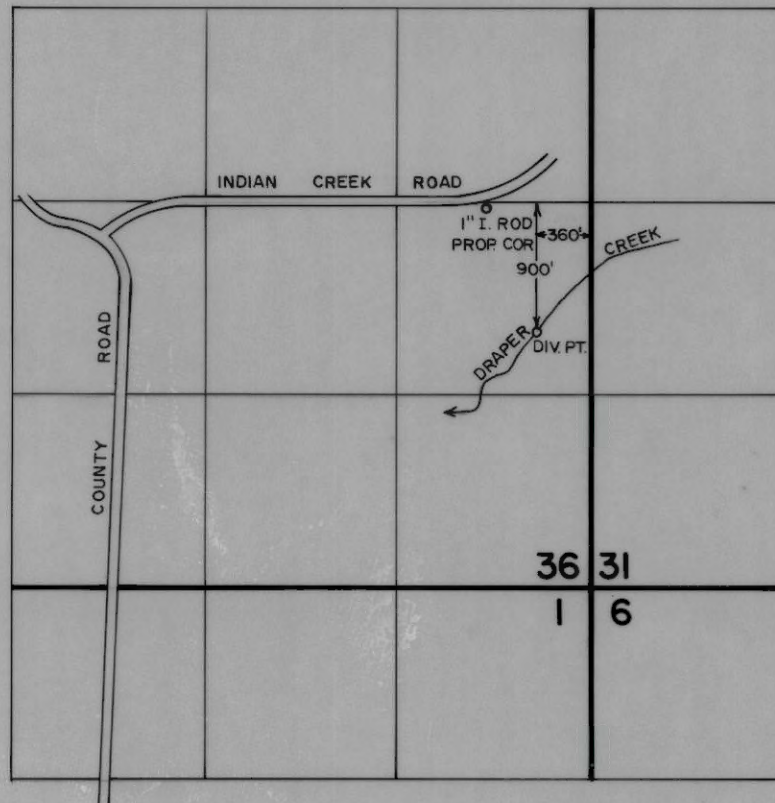
CHECKED TO RECORDS:

☒	Twp. & Rge.	<u>SRA</u>	_____
☒	Decree-vault	<u>SRA</u>	_____
☒	Decree-safe	<u>SRA</u>	_____
☒	Cert. of W/R	<u>SRA</u>	_____
☐	Per. Folder	_____	_____
☐	Chainindex	_____	_____
☐	Cross Ref.	_____	_____
☒	Power Claim	_____	_____
☒	Abstracts	<u>gij</u>	_____

TO BE ENTERED WHERE CHECKED

2408

T.37S., R.8W., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 4634

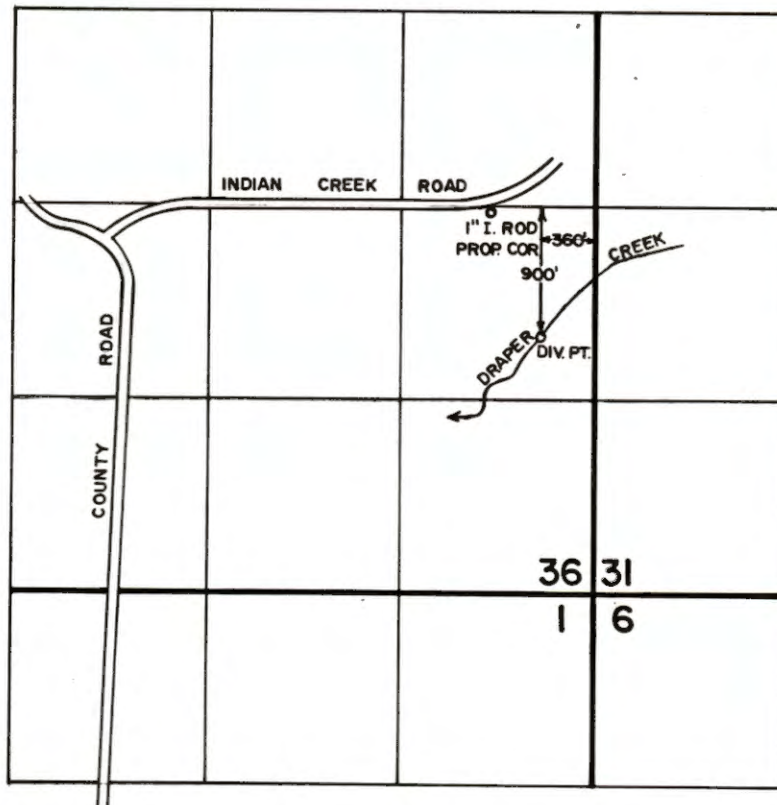
Application No. Permit No.
IN NAME OF

TERRY L. TIBBETTS

Surveyed **OCT. 25 19.83**, by **B. S. JAMES**

SCALE: 4" = 1 MILE

T.37S., R.8W., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 4634

Application No. Permit No.
IN NAME OF

TERRY L. TIBBETTS

Surveyed OCT. 25 1983, by B. S. JAMES

SCALE: 4" = 1 MILE

DRAPER CR

WF T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***
*** WATER RIGHT DATA INPUT FORM ***

PAGE 1
RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. 1000046341 PERMIT NO. 013120 CERTIF. NO.
ORIG. NO. C000139231 PREV. NO. C000139231 SUPER. NO.

NAME: FERRY L, TIBBETTS
ADDRESS: 591 INDIAN CR RD
CITY/STATE/ZIP/COUNTY: SELMA, OR 97538

STREAM-ID 15 1680 0440 0630 070

RIV. MI.

WM. DIST. 14 W.R. TYPE SC STATUS V

CANCEL YEAR----	CONSTR. COMPLT--> 02 18 1981	YR. LAST USED-----> —	NEXT ACTION DUE--> —
PRIORITY-----> 12 31 1887	PUT TO USE-----> 02 18 1981	LAST TRANS. DATE--> —	LAST TRANS. TYPE--> —
APPLICATION----> 11 06 1980	SURVEYED-----> —	EXAM. FEE-----> 20.00	RECORDING FEE-----> 15.00
PERMIT ISSUE--> 02 18 1981	CONCURRENCE-----> —	CYCLE STATUS-----> —	REPORTED FLAG-----> —
CONSTR. STRT.--> 02 18 1981	CERTIFIED-----> —	CORRES. INIT.-----> —	CORRES. DATE-----> —

POINT-OF-DIVERSION DATA:
TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

** REMARKS; - - - - -
** DATED-->
** POD: 1000'S & 130' W FM E 1/4
** COR S 36. CHANGES POD PART
** OF C-13923. RRC-50159.

PLACE-OF-USE DATA:

TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

3705 070W 31	C B	17	1R	100	3.50	V	P
3705 080W 36	D A				5.00		

50159

W.R. IS.

APPROVED 1-29-85, SDA
FILED _____
VERIFIED _____

37-8-36

T. 37 S.
R. 8 W. W. M.
Sec. 36

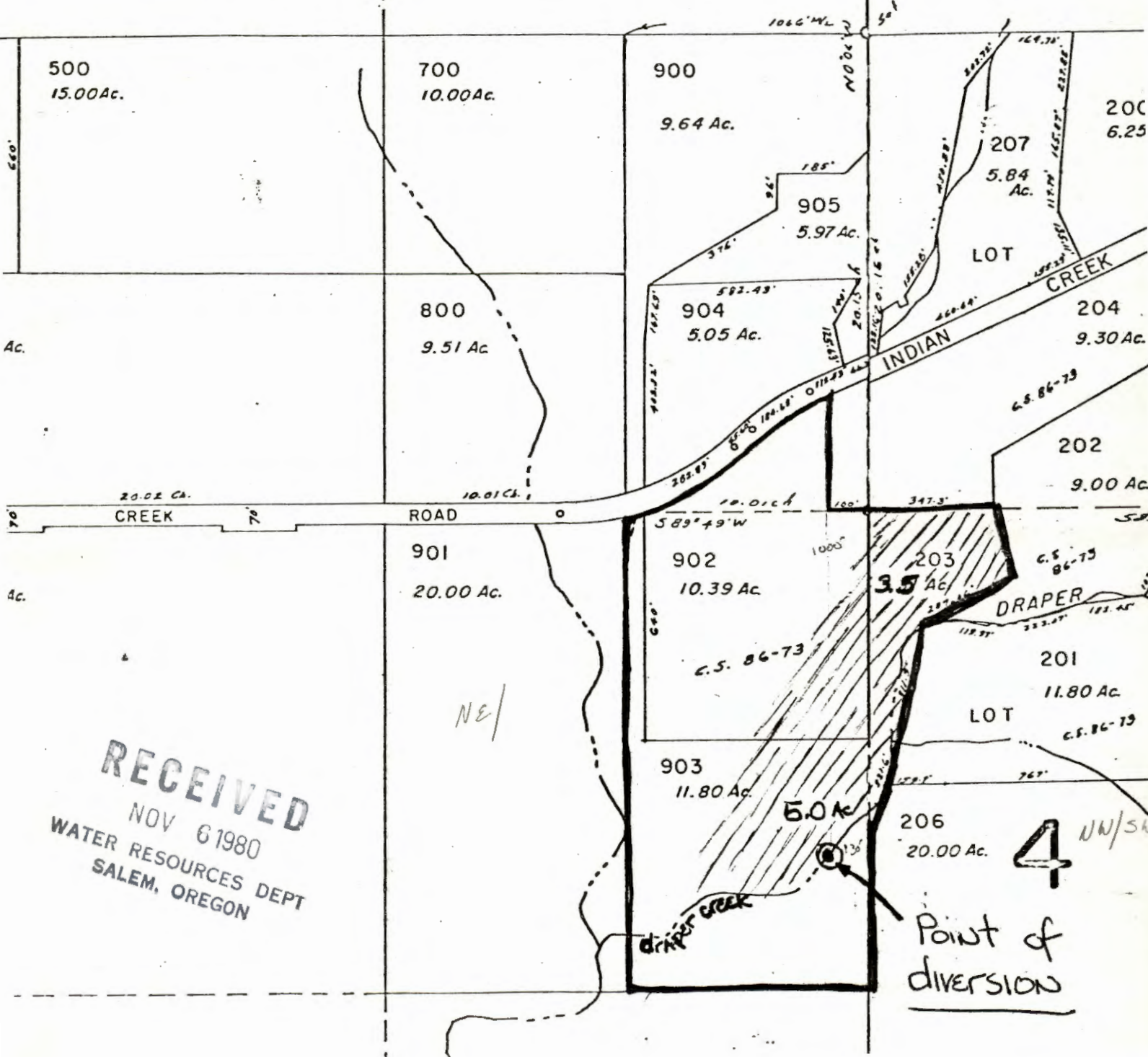
36

31

T-4634

37-7-31

T. 37 S.
R. 7 W. W. M.
Sec 31





Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 1+800-452-7813
378-3066

February 23, 1981

Terry L. Tibbetts
591 Indian Creek Road
Selma, Oregon 97538

Dear Mr. Tibbetts:

REFERENCE: File No. T-4634

Enclosed is a certified copy of the order of the Water Resources Director approving your water right transfer application.

The date for completion is given in the order. ~~When you have completed the change, fill out and return the enclosed completion form.~~

If your transfer is for change in use or change in place of use, you may lose the right if the change is not made within the time limit noted in the order. An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

A survey will be scheduled some time after completion of the authorized change.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: Watermaster

T-4634

cert 41
BC

Superseded by
Cert. No. 50159

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Terry L. Tibbetts
STATE LAND BOARD OF OREGON
of 591 Indian Creek Road
Salem Selma, State of Oregon 97538, has a right to the use of
the waters of Draper Creek, tributary of Deer Creek,
for the purpose of irrigation of 8.5 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Josephine County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 13, at page 70; that the priority
of the right thereby confirmed dates from 1887;

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 one cubic foot per
second for each 50 acres of land irrigated during the irrigation season from
April 1 to November 1 of each year, it available at the original point of diversion;
cd Sec 30, T37S R7W WM, Craig Ditch

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:

POD: ad Sec 36 T37S R8W WM
900'S & 360'W from E 1/4 cor Sec 36

12 acres in SW 1/4 NW 1/4
8 acres in SE 1/4 NW 1/4
3.5 15 acres in NW 1/4 SW 1/4
Section 31,
T. 37 S., R. 7 W., N. N.

50 acres in NE 1/4 SE 1/4
Section 36,
T. 37 S., R. 8 W., N. N.

This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered FEB 18 1981, and
together with certificate of water right recorded at page 50159,
Volume 44, State Record of Water Right Certificates, supersedes
certificate 13923.

The issuance... (glossary 1)

of September 1947

CHAS. B. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 13923

7981D

55504

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF TERRY L. TIBBETTS FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 4634

On November 6, 1980, an application was filed in the office of the Water Resources Director by Terry L. Tibbetts for approval of a change in point of diversion of water from Draper Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered September 26, 1939, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Illinois River and Its Tributaries, a water right was established in the name of State Land Board of Oregon, tabulated in Volume 13, page 120, Order Record of the Water Resources Director, for use of the waters of Draper Creek for irrigation of, among other lands, a certain 3.5 acres in NW 1/4 SW 1/4, Section 31, Township 37 South, Range 7 West, WM, and 5.0 acres in NE 1/4 SE 1/4, Section 36, Township 37 South, Range 8 West, WM with a date of priority of 1887, as evidenced by the certificate recorded at page 13923, Volume 12, State Record of Water Right Certificates.

The authorized point of diversion is located 200 feet North and 1,450 feet West from the Southeast Corner of Section 30, being within the SW 1/4 SE 1/4, Section 30, Township 37 South, Range 7 West, WM (Craig Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 1,000 feet South and 130 feet West from the East Quarter Corner of Section 36, being within the NE 1/4 SE 1/4, Section 36, Township 37 South, Range 8 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of December 1, 8 and 15, 1980.

Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

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

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of 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:

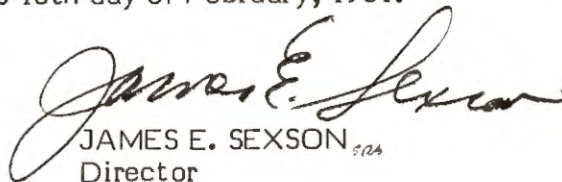
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 13923, Volume 12, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 18th day of February, 1981.


JAMES E. SEXSON
Director

POD
POU
USE
Add'1 POD

County Josephine

Address 591 Indian Cr. Rd, Selma, OR 97538

6. Proposed Point of Diversion ^{900' S} ~~1000' S~~ + ^{360' W} ~~130' W~~ from E $\frac{1}{4}$ Corner,
Sec 36, W $\frac{1}{2}$ in NE $\frac{1}{4}$ SE $\frac{1}{4}$, S 36, T 37S, R 8W, W $\frac{1}{2}$

8. Place of Use:

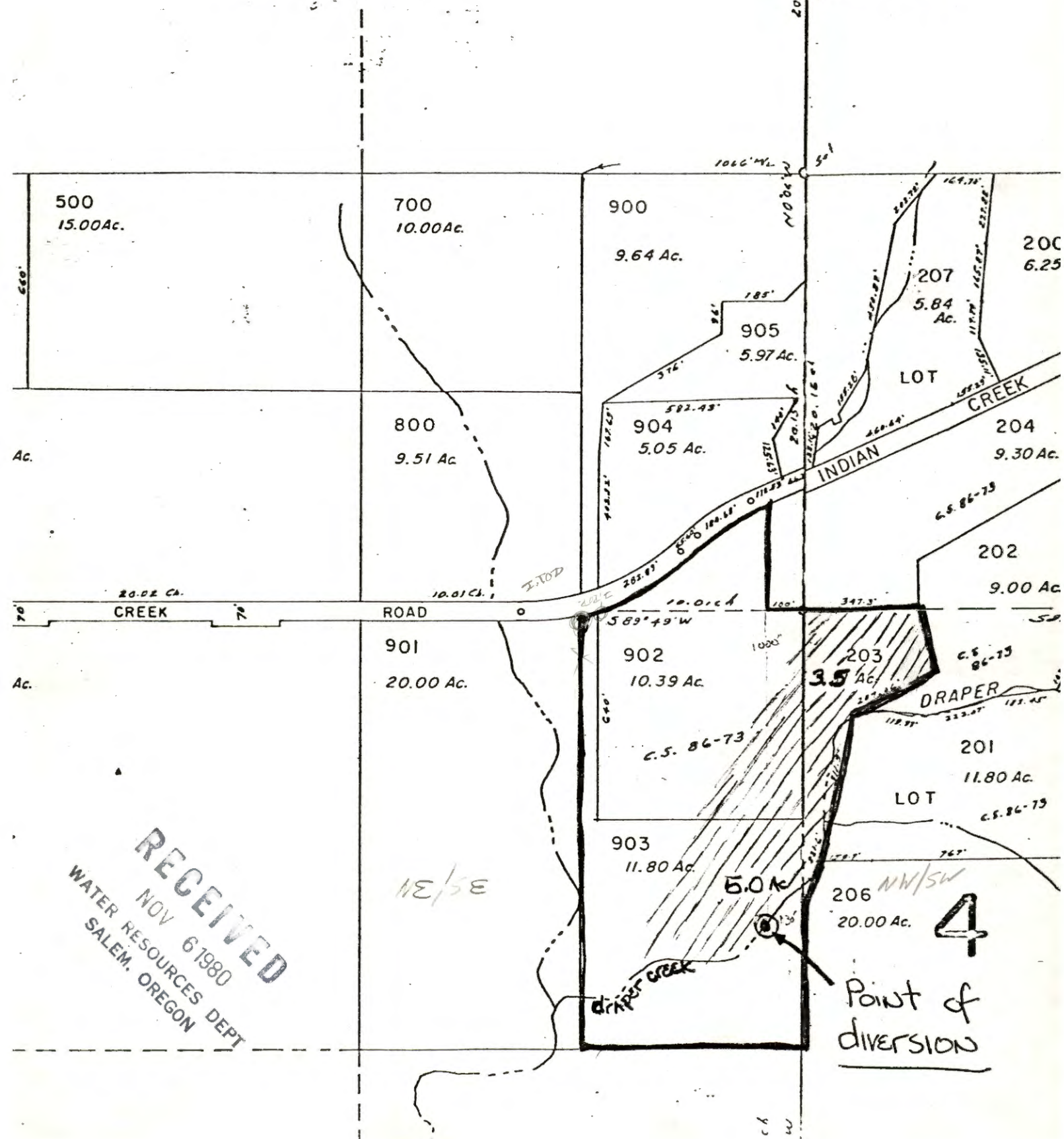
[illegible]

T-4634

37-7-31

T. 37 S.
R. 8 W. W. M.
Sec. 36

T.37 S.
R.7 W.W.M.
Sec 31



INFO: NAMES: TERRY L. TIBBETTS

ADDRESS: 591 INDIAN CR RD

TALKED TO: INSPECTION

SOURCES: DRAPER CREEK

SYSTEM: PUMPS DIRECT FROM CREEK

PUMP: MAKE: CAULD Pump @ 30 PSI
 TYPE: CENT. $\frac{(6.6)(1)}{(16')+(76-2)} = .0716 \text{ CFS}$
 SUCTION SIZE: 1 1/2"
 DISCHARGE SIZE: 1"
 MODEL NO.: _____
 RATING: _____
 MOTOR: MAKE: CENTURY Sprinklers:
 TYPE: ELECT $\frac{4(2.4+5.5)}{450} = .0702 \text{ CFS}$
 HP: 1
 RPM: 3450

CONNECTED DIRECT OR PULLEYS: _____

SPRINKLER SYSTEM: BURIED MAIN W/ HOSE BIBBS.

MAINLINE: NO. FEET: 800'
 SIZE: 1 1/4"
 TYPE: P.V.C.
 LATERALS: NO. FEET: 300' 100'
 SIZE: 1" GARDEN HOSES
 TYPE: BLK. PLASTIC.

SPRINKLERS: NO. HEADS: 4
 MAKE: ORBET JET LAWN SPRINKLER
 MODEL #: S201-2
 NOZZLE SIZES: 1/8" X 3/16"
 MAXIMUM: _____

IN OPERATION: MEAN PRESSURE: _____
 NO. OF HEADS: _____

LIFT: SUCTION: 16'
 DISCHARGE: 0'

USE: LAWN & GARDEN & PASTURE

DIVERSION: DIRECT

STRUCTURE: _____

TIE: MONUMENTS: PROP. COR. 1" IRON ROD. (NW COR. TAXLOT 903)
 SURVEYED ON: 179-1956

B. Suzie Jones

WATER RIGHTS EXAMINER

DATE: 10-25-83

NOTE: _____

37-8-36

T. 37 S.
R. 8 W. W. M.
Sec. 36

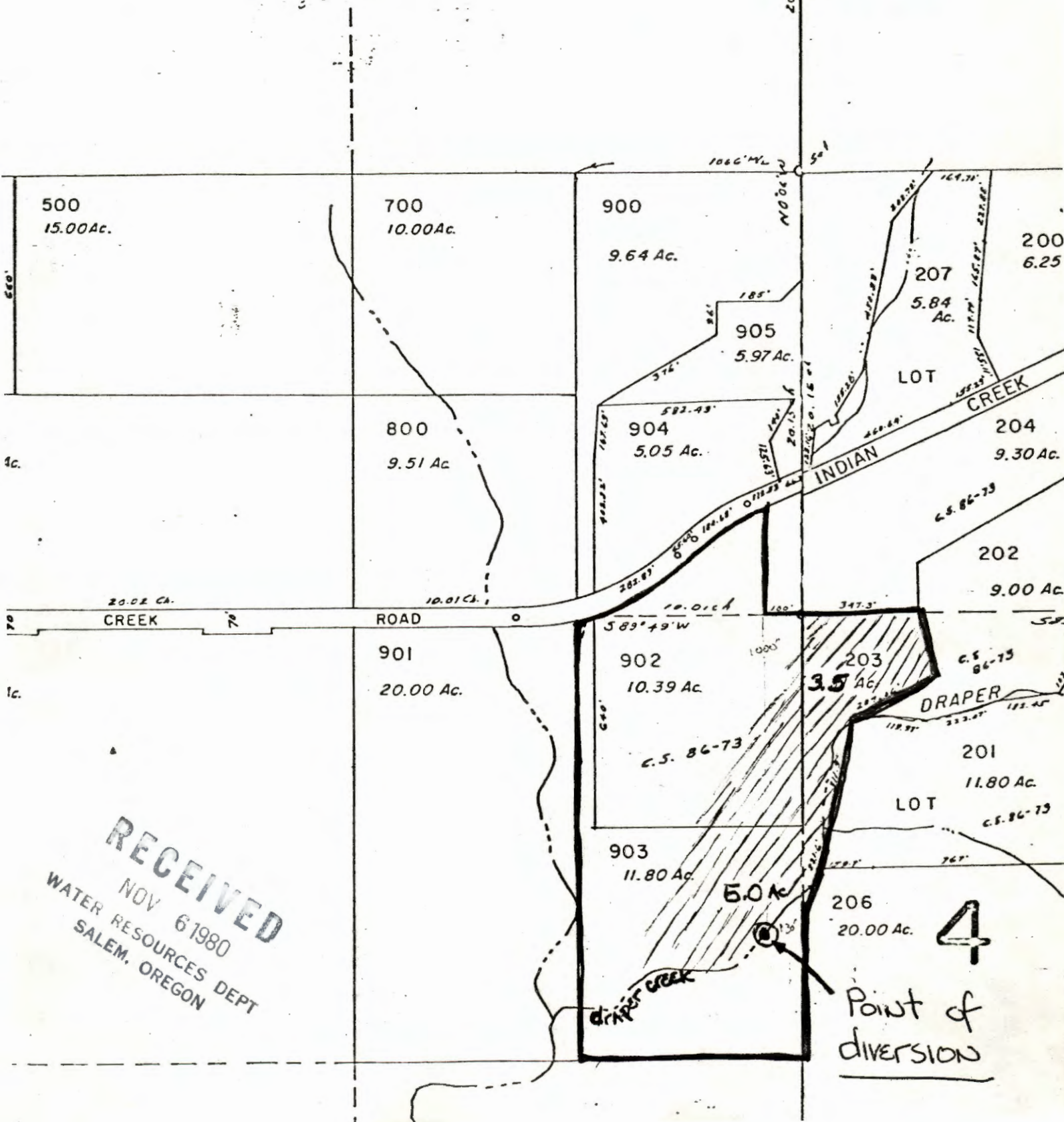
36

31

T-4634

37-7-31

T. 37 S.
R. 7 W. W. M.
Sec 31



RECEIVED
NOV 6 1980

WATER RESOURCES DEPT
SALEM, OREGON

4

Point of
diversion



STATE OF OREGON

RECEIVED

FEB 11 1981 INTEROFFICE MEMO

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

NOV 28 1980

WM. DIST. 14
GRANTS PASS, ORE.

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE:

FROM: WATERMASTER, DISTRICT NO. 14

(signature) Robert B. Hunter

SUBJECT: Water Right Transfer Application No. 4634 for change in POU, POD Use of water

In the name(s) of Terry L. Tibbetts

In my opinion (assuming the water right is valid), the proposed change

MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~ to an existing water right.

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

The existing right may not be valid because _____

Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) of diversion between the authorized and proposed points of diversion? no
(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 enclosed copy of the transfer application and map(s) are for your records.



Contains
Recycled
Materials

1-125-1387

SP*75683-125

T-4634

RECEIVED

NOV 6 1980

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Terry L. Tibbetts

(Name of applicant)

of 591 INDIAN CREEK rd., SELMA

(City)

State of Oregon, 97538, 97558, 597-2020

(Zip Code)

(Phone number)

do hereby make application for change

IN point of diversion

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

1. Is the water right recorded in your name? NO - STATE LAND Board of Oregon

(If not, give name)

2. Was your water right determined by Decree of Court? YES If so, give title of proceedings

(Yes or No)

ILLINOIS RIVER DECREEnumber of certificate 139233. Was your water right acquired by Water Right Permit? — If so, give number

(Yes or No)

of permit — Number of certificate —

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.

4. The source of water is DRAPER CREEK5. What is the date of priority of your water right? 1887* 6. The authorized point of diversion is located UNKNOWN ft. N and 1450 ft. W from the SE corner of Section 30 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30 Tp. 37S R. 7W W. M., in the county of JOSEPHINE The name of the ditch used is CRAIG

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

7. The proposed point of diversion is located 1000 ft. S and 130 ft. W from the E $\frac{1}{4}$ corner of Sec 36 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36 Tp. 37S R. 8W W. M., in the county of JOSEPHINE The name of the ditch to be used is pump

* Location of authorized POD scaled from Proof of Claim map by SR# 11-7-80.

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
37 S	7 W	31	NW¼ SW¼	3.5
37 S	8 W	36	NE¼ SE¼	5.0

(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.?
(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, 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

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are location of old ditch is no longer known - present point of diversion is located within irrigated portions - and has necessary electrical supply to power irrigation pump.

15. Construction work will be completed on or before

16. The water will be completely applied to the proposed use on or before

Remarks This point of diversion has been in use for some years and is the only one known to me

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, Terry L. Tibbetts, 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 5 day of NOV, 1980.

Terry L. Tibbetts
(Name of applicant)

Subscribed and sworn to before me this 5th day of November, 1980.

[Notarial Seal]

Armeda M. Whitnie
NOTARY PUBLIC FOR OREGON

My commission expires 9-18-82

37 Smith, Ora, Estate of by Agnes M. Smith, Admrk. Kerby, Ore. Proof 112	1897	6	Irrigation	Unnamed ditch	Tycer Creek	6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T. 39 S., R. 8 W., W.M.
3922 Sowell, John G. Algoma, Ore. Proof 113	1908	5	Irrigation	Unnamed ditch	Tycer Creek	5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T. 39 S., R. 8 W., W.M.
3923 State Land Board of Oregon Salem, Ore. Proof 154 I-4634 Δ P00 38 2L NW $\frac{1}{4}$ SW $\frac{1}{4}$ 31 62 2L NE $\frac{1}{4}$ SE $\frac{1}{4}$ 36	1887	40	Irrigation	Craig Ditch	Draper Creek, trib. of Deer Creek	12 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 15 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T. 37 S., R. 7 W., W.M. 5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 37 S., R. 8 W., W.M.
3924 Stevens, John F. Selma, Ore. Proof 114 (Findings, Paragraph 21 Page 24)	Aug. 1, 1894	44.4	Irrigation	Unnamed ditches	Squaw Creek and small tribu- taries	2.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 16.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 23.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 38 S., R. 8 W., W.M.
(NOTE: 1.0 cubic foot per second to 50 acres is awarded for the irrigation of the above- described land in addition to that allowed under Paragraph 25, Page 28 herein.)						
3925 Stith, Mrs. J. F. 1709 Howard Avenue Seattle, Washington Proof 115	May, 1887	0.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M. ✓
Stockton, O. I. O'Brien, Ore. Proof 116	(NOTE: Rights acquired under State Engineer's Permit No. 3201, Certificate No. 3223.)					
3926 Thrasher, G. W. Kerby, Ore. Proof 117	May, 1887	1.5	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	1.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 39 S., R. 8 W., W.M. ✓

Decree of Court - ILLINOIS RIVER - page 51120

INDEX

Section, Tp. & Rgc.

LEGAL NOTICE

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4634

The Water Resources Director of Oregon has received and filed an application by Terry L. Tibbets for approval, without loss of priority, of a change in point of diversion under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 13923, Vol. 12, State Record of Water Right Certificates, in the name of State Land Board of Oregon, and is for the use of not to exceed 0.17 cubic foot per second from Draper Creek, under a priority date of 1887, for irrigation of a certain 3.5 ac in NW¼ SW¼, Sec 31, T37S, R7W, WM, & 5.0 ac in NE¼ SE¼, Sec. 36, T37S, R8W, WM.

The authorized point of diversion is located 200 ft N & 1450 ft W from the SE Corner, Sec 30, being within the SW¼, SE¼, Sec 30, T37S, R7W, WM (Craig Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 1000 ft S & 130 ft W from the E¼ Corner, Sec 36, being within the NE¼ SE¼, Sec 36, T37S, R8W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, January 22, 1981, at the Josephine County Courthouse, Grants Pass, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicant at 591 Indian Cr. Rd., Selma, OR 97538; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 25th day of November, 1980.

James E. Sexson,
Director

No. 24 — Dec. 1, 8 & 15, 1980.

AFFIDAVIT OF PUBLICATION

State of Oregon }
County of Josephine } ss.

I, Charles J. Moore, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Grants Pass Daily Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the

NOTICE OF WATER RIGHT TRANSFER, a printed copy of APPLICATION #4634 which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues December 1, 8, 15, 1980

Charles J. Moore
Subscribed and sworn to before me this 15th day of

December, 19 80

St. Kathleen Johnson
Notary Public of Oregon.

My commission expires 4th day of February, 19 84.

RECEIVED
DEC 17 1980
WATER RESOURCES DEPT
SALEM, OREGON

OK
SPB

ok
lig

No.

In the Court of the

STATE OF OREGON
for the
COUNTY OF JOSEPHINE

Affidavit of Publication

Filed, 19

.....
Clerk.

By
Deputy.

From the Office of

.....

Attorney for

RECEIVED
409 S.E. 7th Street

P.O. Box 1468

DEC 17 1980

WATER RESOURCES DEPT
SALEM, OREGON

Courier Publishing Company

PUBLISHERS: THE DAILY COURIER
Grants Pass, Oregon 97526

Legal Publication Dept.

Telephone 476-4417

PAID

DEC 31 1980
Date December 15, 1980.

PUBLISHING: NOTICE OF WATER RIGHT TRANSFER APPLICATION # 4634
CONCERNING: Water Right Transfer Application by Terry L. Tibbetts
P.O. BOX 1468

DATES PUBLISHED: Dec. 1, 8, 15, 1980

ORDERED BY: State of OR Water Resources Dept.

RECEIVED

Mill Creek Office Park

JAN 5 1981

555 13th St. N. E.

Salem, OR 97310

WATER RESOURCES DEPT
SALEM, OREGON

COURIER PUBLISHING CO.

OK to pay
\$806

#24

Amount Due \$ 45.30

NOTICE OF WATER RIGHT TRNASFER APPLICATION NO. 4634

The Water Resources Director of Oregon has received and filed an application by Terry L. Tibbetts for approval, without loss of priority, of a change in point of diversion under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 13923, Vol. 12, State Record of Water Right Certificates, in the name of State Land Board of Oregon, and is for the use of not to exceed 0.17 cubic foot per second from Draper Creek, under a priority date of 1887, for irrigation of a certain 3.5 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 31, T37S, R7W, WM, & 5.0 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 36, T37S, R8W, WM.

The authorized point of diversion is located 200 ft N & 1450 ft W from the SE Corner, Sec 30, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 30, T37S, R7W, WM (Craig Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 1000 ft S & 130 ft W from the E $\frac{1}{4}$ Corner, Sec 36, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 36, T37S, R8W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, January 22, 1981, at the Josephine County Courthouse, Grants Pass, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicant at 591 Indian Cr. Rd., Selma, OR 97538; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 25th day of November, 1980.

James E. Sexson, Director



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

December 31, 1980

Terry L. Tibbetts
591 Indian Creek Road
Selma, Oregon 97538

REFERENCE: File T-4634

The statutory fees and the cost of publication of notice, necessary to your water right transfer application No. 4634, amount to a total of \$80.30. The total of payments received in connection with the application exceeded this amount by \$54.70.

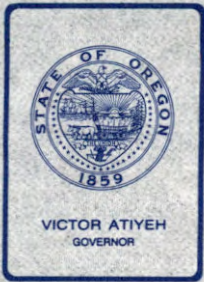
Our refund check No. 4500 is enclosed.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj

COPY



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

December 30, 1980

Daily Courier
PO Box 1468
Grants Pass, Oregon 97526

REFERENCE: File T-4634

Enclosed is our check No. 4499 in the amount of \$45.30
in payment of your statement.

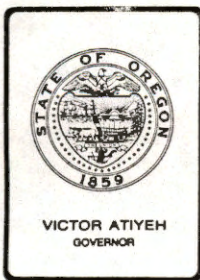
Please receipt the enclosed statement and return it to
this office. Thank you.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj

100%
COTTON FIBRE
Anniversary Union Skin
COPY



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

November 25, 1980

Daily Courier
PO Box 1468
Grants Pass, OR 97526

REFERENCE: File No. T-4634

Enclosed is a notice for publication in the December 1, 8 and 15, 1980 issues of your newspaper.

If, for any reason, the notice cannot be published on the three dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

Sincerely,

Samuel R. Allison
Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj

cc: Terry L. Tibbetts
Robert B. Steimer, Watermaster

RECEIVED

NOV 24 1980

WATER RESOURCES DEPT
SALEM, OREGON

Terry L. Tibbetts
591 Indian creek rd.
Selma Oregon 97538

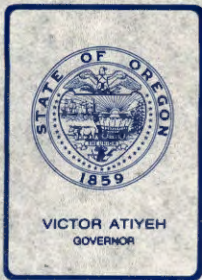
Reference: file # T-4634

Water Resource Dept.

enclosed please find check for
\$100⁰⁰ to cover notice of proposed
change to be published in the
Grants Pass Daily Courier, in Grants
Pass Oregon - phone # 474-3711

Thank you

Terry Tibbetts



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066 or
1-800-452-7813

November 12, 1980

Terry L. Tibbetts
591 Indian Creek Road
Selma, OR 97538

REFERENCE: File Number T-4634

Your water right transfer application for approval of a change in point of diversion of water from Draper Creek together with supporting data and fees in the amount of \$35, was received on November 7, 1980. Our receipt number 21398 is enclosed.

The proposed change in point of diversion will move the diversion point more than one-fourth mile along the stream, therefore it is necessary that notice of the proposed change be published at least once a week for three consecutive weeks in a newspaper that is printed and has general circulation in the county where the water right is located. Please submit a deposit of \$100.00 for this purpose and tell us which newspaper you prefer that we use. Any difference between the deposit and the actual cost will be settled with you upon completion of publication of the notice.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wpc
Enclosure
cc: Robert B. Steimer, Watermaster
1098A
2864A

COPY

T-4634

VOL 335 PAGE 2056

DESCRIPTION OF TRACT No. 9, INDIAN CREEK TRACTS LOCATED AT DRAPER VALLEY

37-8-36 T.L. 903

Beginning at the northeast corner of the West Half of the Northeast Quarter of the Southeast Quarter of Section 36, Township 37 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon; thence South along the east line of said government subdivision for 1333 feet more or less to the north line of the Southeast Quarter of the Southeast Quarter of said Section 36; thence South 89°58' East along said north line for 660.7 feet more or less to a 5/8 inch diameter iron rod; thence North for 432.3 feet to the centerline of Draper Creek; thence North 15°40 1/2' East long said creek centerline for 286.1 feet; thence South 89°49' West parallel to the north line of the East Half of the Northeast Quarter of the Southeast Quarter for 678 feet to a 5/8 inch diameter iron rod; thence North for 640 feet more or less to the southeasterly right of way line of Indian Creek dedicated public road; thence southwesterly for 61 feet more or less to the point of beginning containing 11.8 acres more or less and subject to a dedicated public road right of way across the northerly 20 feet of the herebefore described property;

RECEIVED

NOV 6 1980

WATER RESOURCES DEPT
SALEM, OREGON

37-7-31 T.L. 203 EXHIBIT "A"

37-8-36 T.L. 902

VOL 335 PAGE 2056

Beginning at the Quarter Corner common to Sections 31 and 36, Township 37 South, Ranges 7 and 8 West of the Willamette Meridian, Josephine County, Oregon; thence South 89° 49' West for 100 feet; thence North 0° 13' West for 322 feet, more or less, to the Southerly line of Indian Creek dedicated public road; thence South 65° 34' West along said road for 39.6 feet; thence along a 542.96 foot radius curve to the left for 171.52 feet (the long chord of which bears South 56° 31' West for 170.81 feet); thence South 47° 28' West for 65.60 feet; thence along a 746.20 foot radius curve to the right for 319.62 feet (the long chord of which bears South 59° 44' West for 317.18 feet); thence South for 633.83 feet to a 5/8 inch diameter iron rod; thence North 89° 49' East for 678 feet, more or less, to the center line of Draper Creek; thence North 11° 08' East along Draper Creek for 311.9 feet to a 5/8 inch diameter iron rod set on the Westerly bank of said Creek; thence North 29° 20' West for 28.29 feet to a 5/8 inch diameter iron rod; thence North 67° 55' 30" East for 207.05 feet to a 5/8 inch diameter iron rod; thence North 55° 36' East for 88.18 feet to a 5/8 inch diameter iron rod; thence North 13° 24' West for 177.40 feet to a 5/8 inch diameter iron rod; thence South 89° 49' West for 347.30 feet to the point of beginning.

Subject to:

1. ~~Rights of the public over any portion lying within the limits of public roadways.~~
2. ~~Reservation of the State of Oregon of all coal and other minerals on above described lands, and right to prospect for and remove same, as set forth in Volume 128, Page 159, Josephine County Deed Records.~~
3. ~~Conditions and restrictions imposed by instrument recorded March 28, 1972 in Volume 281, Page 576 and amended by instrument recorded May 31, 1972 in Volume 283, Page 1, Josephine County Deed Records.~~

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

STATE LAND BOARD OF OREGON

of Salem, State of Oregon 97310, has
a right to the use of the waters of
Draper Creek

a tributary of Deer Creek for the purpose of
irrigation of 31.5 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Josephine County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 13, at page 70; that the priority of the right
thereby confirmed dates from

1887
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 one cubic foot per
second for each 50 acres of land irrigated during the irrigation season from
April 1 to November 1 of each year.

The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, T37S, R7W, WM; Craig Ditch
200 feet North and 1,450 feet West from SE Corner, Section 30.

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

12.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
8.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
11.5 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 31
Township 37 South, Range 7 West, WM

This certificate describes that portion of the water right confirmed by the
prior certificate recorded at page 13923, Volume 12, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on February 18, 1981, approving Transfer Application 4634.

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.

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 Water Resources Director, affixed

this date August 5, 1981.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44, page 50159

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That STATE LAND BOARD OF OREGON

of Salem, State of Oregon, has a right to the use of
the waters of Draper Creek, tributary of Deer Creek,
for the purpose of irrigation of 31.5 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Josephine County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 13, at page 70; that the priority of the right thereby confirmed dates from 1887;

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 one cubic foot per second for each 50 acres of land irrigated during the irrigation season from April 1 to November 1 of each year.

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:

12 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
11.5 ~~27~~ acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 31,
T. 37 S., R. 7 W., W. M.

~~5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 36,
T. 37 S., R. 8 W., W. M.~~

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 13923, Volume 12, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Feb 18, 1981, approving transfer application No. 4634.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

WITNESS the signature of the State Engineer,

affixed this 1st day

of September, 1947.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 13923.

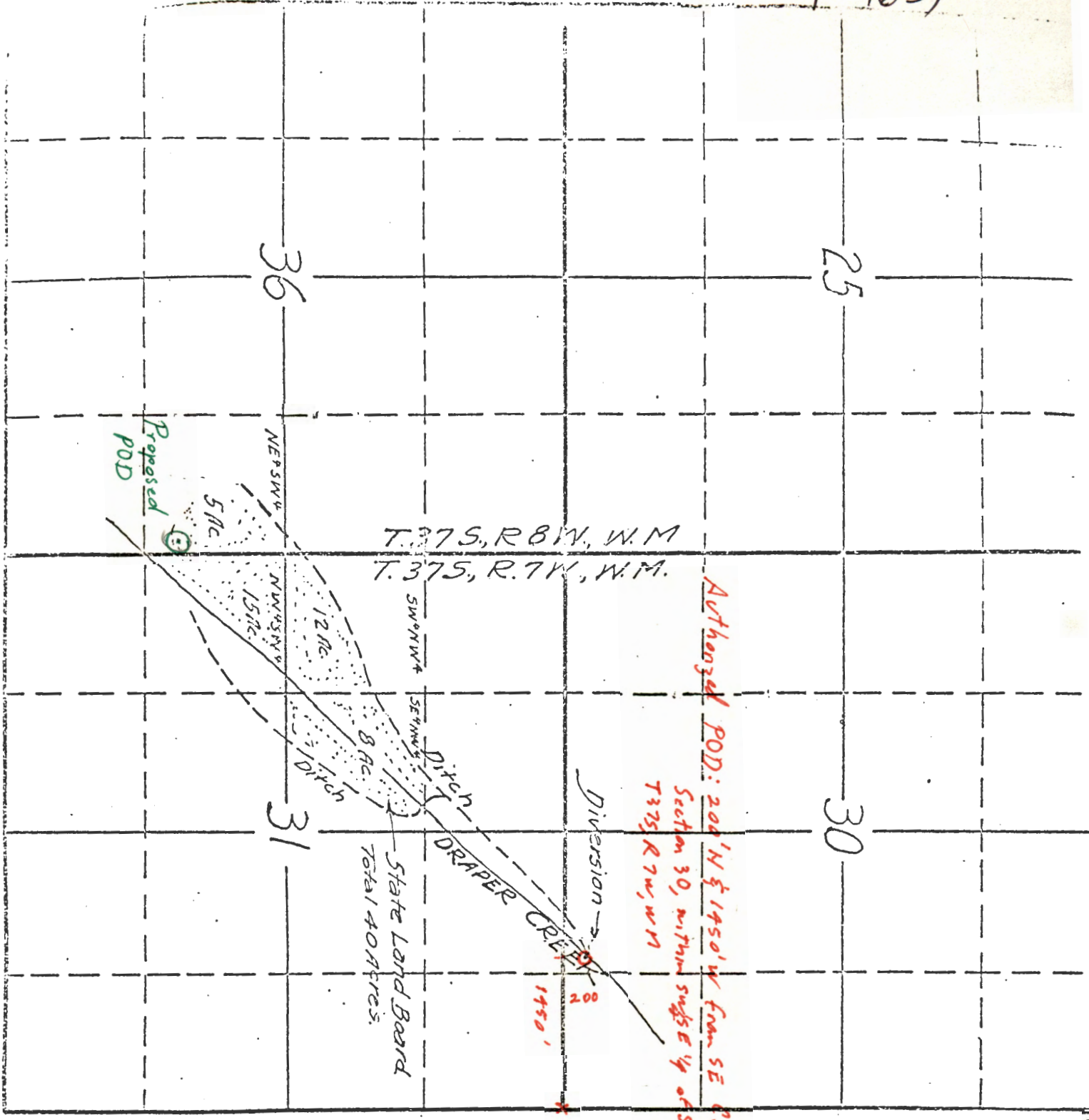
50159

T-4634

US. WATER TO ADJACENT 20 CORNER OF SECTION 30, CRAIG DITCH, 200 FT N & 1950 FT W FROM THE
POO: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Craig Ditch, 200 FT N & 1950 FT W FROM THE
T 37 S, R 7 W, NW $\frac{1}{4}$

T-4634

TWP 37 S. R. 7 W. W.M.



169

Sec. 30	30
31	31
36	36
Tp. 37 S.	
R. 7 W.	
W.M.	

28. Q.—What interest have you in the lands irrigated or place where the water is used?

A.—The state Land Board is the owner of above 160 acres by foreclosure and purchase at sale.

29. Q.—What additional evidence have you attached hereto or submitted herewith?

A.—Affidavit of C. W. Craig, original patentee, homestead entryman, builder of this ditch, and appropriator of the water, whose words inspired this statement and proof of claim.

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own should attach to its proof a complete list of the persons owning the lands so supplied with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit should be attached to this proof and marked for identification as exhibit "A," "B," "C," etc.)

171

152

Cert. fracte 13923

172