

Name Donald M. Ferrell

4427

By _____

Address 273 Kubli Road

Grants Pass, OR 97526

Change in POD

Date filed 3-17-80

Date of hearing August 7, 1980

Place of hearing Grants Pass

Date of order 8-11-80 Vol. 33, page 564

Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued OCT 28 1980 Vol. 43, page 49700

DEC 12 1986 50 55288

to survey 8/80

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Caris Creek

Trib. of Applegate R. County of Josephine

Use Irrigation

Quantity of water _____ No. of acres _____

Name of ditch Bailey

Date of priority April 1890

In name of W. S. Bailey

Rogue River Adjudication, Vol. 4, page 25

App. No. _____ Per. No. _____ Cert. No. 16290

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3/17/80</u>	<u>85.00</u>	<u>16588</u> <i>handed to applicant</i>
TOTAL . . .		
	Cert. Fee	

Courier Publishing Co. #34.83 pd 7/11/80 ck#4276

FEES REFUNDED

Date	Amount	Check No.
<u>7-11-80</u>	<u>15.17</u>	<u>4277</u>

*EX 20-
POD 15-
PON 34.83
69.83*

INDEX CARDS:

TO BE ENTERED WHERE CHECKED	Entered	Checked
☒ Name	<u>Fig</u>	_____
☒ Stream	<u>Fig</u>	_____
☒ Pt. of Div.	<u>Fig</u>	_____
☒ Calendar	<u>Fig</u>	_____
☒ Twp. & Rge.	<u>Fig</u>	_____
☒ Decree-vault	<u>Fig</u>	_____
☒ Decree-safe	<u>Fig</u>	_____
☒ Cert. of W/R	<u>Fig</u>	_____
☐ Per. Folder	_____	_____
☐ Chainindex	_____	_____
☐ Cross Ref.	_____	_____
☒ Power Claim	<u>Fig</u>	_____
☐ Abstracts	_____	_____

W.R.I.S.

Assembled 02-11-85 by SRH

Entered _____ by _____

Verified _____ by _____

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF DONALD M. FERRELL FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER NO. 4427

On March 17, 1980, an application was filed in the office of the Water Resources Director by Donald M. Ferrell for approval of a change in point of diversion of water from Caris Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The subject water right was allowed by Decree of Circuit Court for Jackson County, entered April 26, 1919, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River, tabulated at page 25, Volume 4, Order Record of the Water Resources Director, in the name of W. S. Bailey, and is a portion of the right described by the certificate recorded at page 16290, Volume 13, State Record of Water Right Certificates, in the name of W. S. Bailey, and is for the use of not to exceed 0.028 cubic foot per second of water from Caris Creek, with a date of priority of April 1890, for irrigation of a certain 0.2 acre in SW 1/4 NE 1/4 and 1.5 acres in SE 1/4 NW 1/4, Section 36, Township 37 South, Range 5 West, W.M.

Water for the said right is diverted, through the W. S. Bailey Ditch, from a point located 130 feet South and 830 feet West from the Northeast Corner of Section 36, being within the NE 1/4 NE 1/4 of Section 36, Township 37 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 290 feet North and 60 feet West from the Center of Section 36, being within the SE 1/4 NW 1/4, Section 36, Township 37 South, Range 5 West, W.M.

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 June 14, 21 and 28, 1980.

Mr. E. E. Wilken has filed a statement to the effect that the subject lands are a portion of the lands irrigated under the right allowed by the water right recorded at page 16290, Volume 13, State Record of Water Right Certificates.

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:

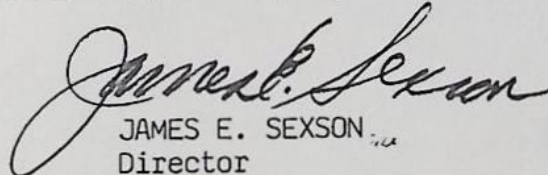
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 16290, 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 applicant herein.

Dated at Salem, Oregon this 11th day of August, 1980.


JAMES E. SEXSON
Director

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN: (POL)

POD
POU
USE
Add'l POD

Transfer No. 4427 ✓

County JOSEPHINE

Old Certificate No. 16290 ✓

1. Name Donald M. Ferrell ✓

Address 273 Kubli Road, Grants Pass, OR 97526 ✓

2. Source of Supply Caris Creek, Trib of Applegate River

3. Use irrigation OF 1.7 AC ✓

4. Amount of Water 0.028 cfs ✓

5. Priority Date April, 1890 ✓

6. Proposed Point of Diversion ³²⁰~~290~~' N & 60' W from Center, Sec 36, within SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec 36, T37S, R5W, WM.

7. Completion Date 10-1-81

8. Place of Use:

[illegible]

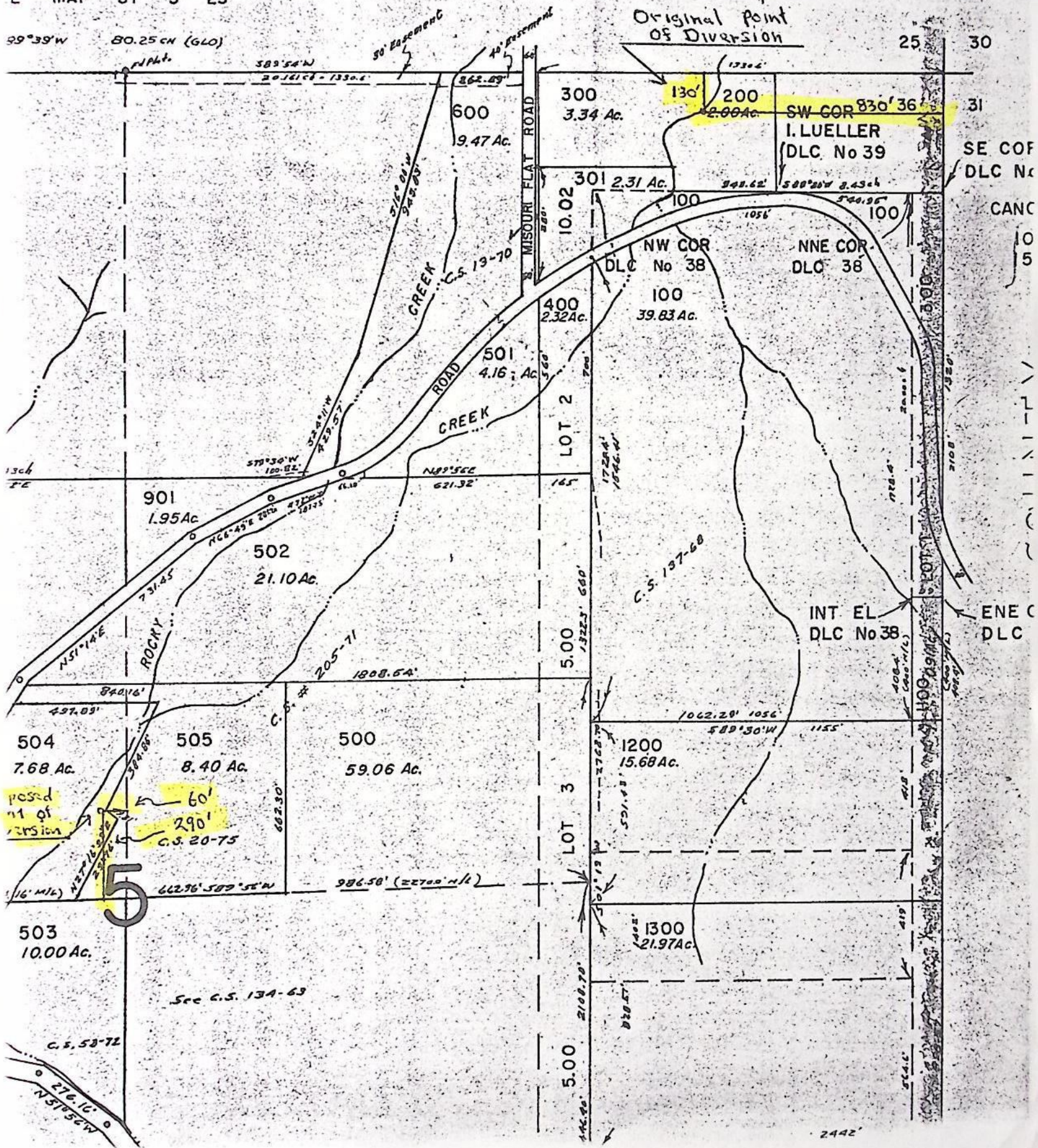
$\lambda'' = 400$

RECEIVED

MAR 17 1980

WATER RESOURCES DEPT.
SALEM, OREGON

E MAP 37 5 25



FINAL PROOF ON

APPLICATION No.

PERMIT No.

SURFACE WATER IRRIGATION TR. No. 4427

INFO: NAMES: DONALD M. FERRELL

ADDRESS: 273 KUBLI RD. G.P.

TALKED TO: DONALD

SOURCES: CARIS CREEK

SYSTEM: PUMP DIRECTLY OUT OF CREEK

PUMP: MAKE: CORNELL

TYPE: CENT

SUCTION SIZE: 2"

DISCHARGE SIZE: 1 1/2"

MODEL No.:

RATING:

MOTOR: MAKE: GE

TYPE: ELEC

HP: 1 1/2

RPM: 3450

CONNECTED DIRECT OR PULLEYS:

SPRINKLER SYSTEM:

MAINLINE: NO. FEET: 1300' 1050'

SIZE: 3" 3"

TYPE: PVC AL

LATERALS: NO. FEET: 250' 200'

SIZE: 2" 1 1/2"

TYPE: PVC GALV.

SPRINKLERS: NO. HEADS: 35

MAKE: RB

MODEL #: 30

NOZZLE SIZES: 3/32" x 3/32"

MAXIMUM: 7

IN OPERATION: MEAN PRESSURE:

NO. OF HEADS:

LIFT: SUCTION: 5'

DISCHARGE: 15'

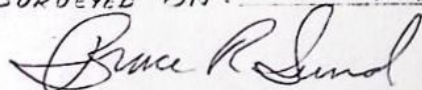
USE: PASTURE

DIVERSION: DIRECT:

STRUCTURE: DIVERSION DAM WITH PLANKS UP AGAINST
BRIDGE ABUTMENT

TIE: MONUMENTS: N 1/4 COR SEC. 36

SURVEYED ON: PHOTO: 179-110R



FIELD ENGINEER

DATE: 6-8-82

NOTE:

CARIS CR

WF T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***PAGE 1
RUN ON: 3/20/81 AT: 9:08

*** WATER RIGHT DATA INPUT FORM ***

WATER RIGHT NO. T000044271 PERMIT NO. 004025 CERTIF. NO.

NAME: DONALD M. FERRELL

ORIG. NO. C000162901 PREV. NO. C000162901 SUPER. NO.

ADDRESS: 273 KUBLI RD

CITY/STATE/ZIP/COUNTY: GRANTS PASS, OR 97526

STREAM-ID 15 1680 1540 0330

RIV. MI.

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

CANCEL YEAR----

CONSTR. COMPLT--> 08 22 1980

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 04 30 1890

PUT TO USE-----> 08 22 1980

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION-----> 03 17 1980

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE--> 08 11 1980

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 08 11 1980

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-->

3705 050W 36 B D 15 1680 1540 0330

0.028

V P

** POP: 290' N & 60' W FM CENTER
** S 36. CHANGES POB PART OF
** C-16290, RP C-49700.
** -----
** -----
** -----
** -----

PLACE-OF-USE DATA:

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

3705 050W 36 A C 17 1R 100 0.20 V P

1 1 1 B D 1 1 1 1.50 1 1

49700

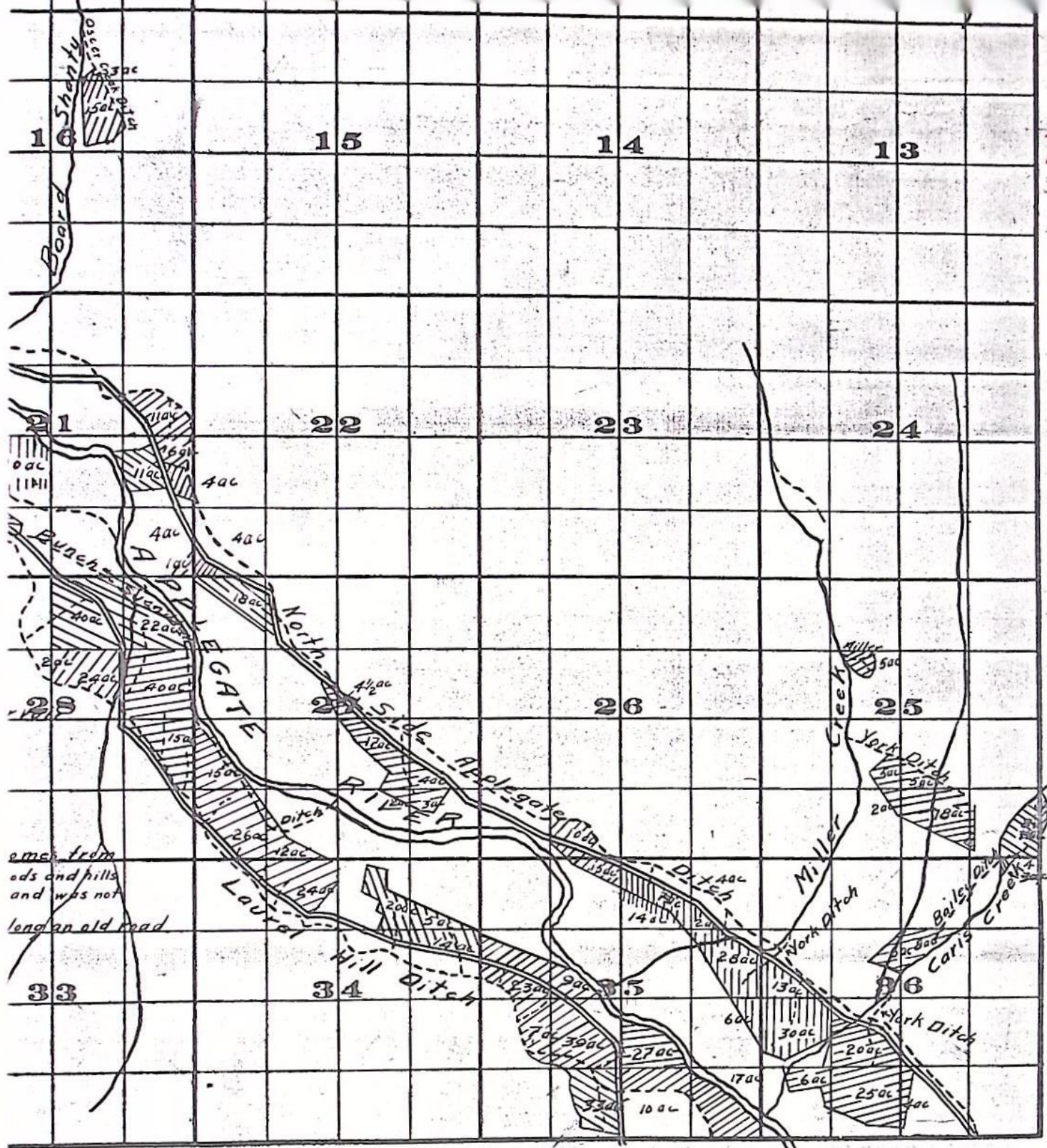
V.D.I.S.

APPROVED 2-11-85 J. SPA

EVALUATED _____

VERIFIED _____

T-4427



comes from
hills and was not
long an old road

FROM OFFICE OF THE STATE ENGINEER, SALEM, OREGON

Ajudication

Rogue River and Tributaries

John H Lewis State Engr.

dated Sept. 18, 1911

37S.5W.

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That W. S. BAILEY

of Murphy, State of Oregon 97533, has
 a right to the use of the waters of
 Caris Creek

a tributary of Applegate River for the purpose of
 irrigation of 13.3 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from April, 1890;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.222 cubic foot per second.

The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T. 37 S., R. 5 W., W.M.;
 W.S. Bailey Ditch: 130 feet South and 830 feet West from NE Corner, Section 36.

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

7.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 5.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 36
 T. 37 S., R. 5 W., W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 16290, Volume 13, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on August 11, 1980, approving transfer application No. 4427.

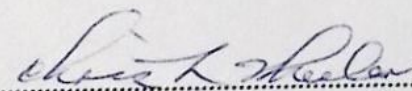
The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date

October 28, 1980


 Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43, page 49700

RECEIVED

AUG 22 1980

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN
point of diversion of water from Caris Creek

PURSUANT TO TRANSFER APPLICATION NO. 4427

I, Donald M Ferrell, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by June 15, 1975

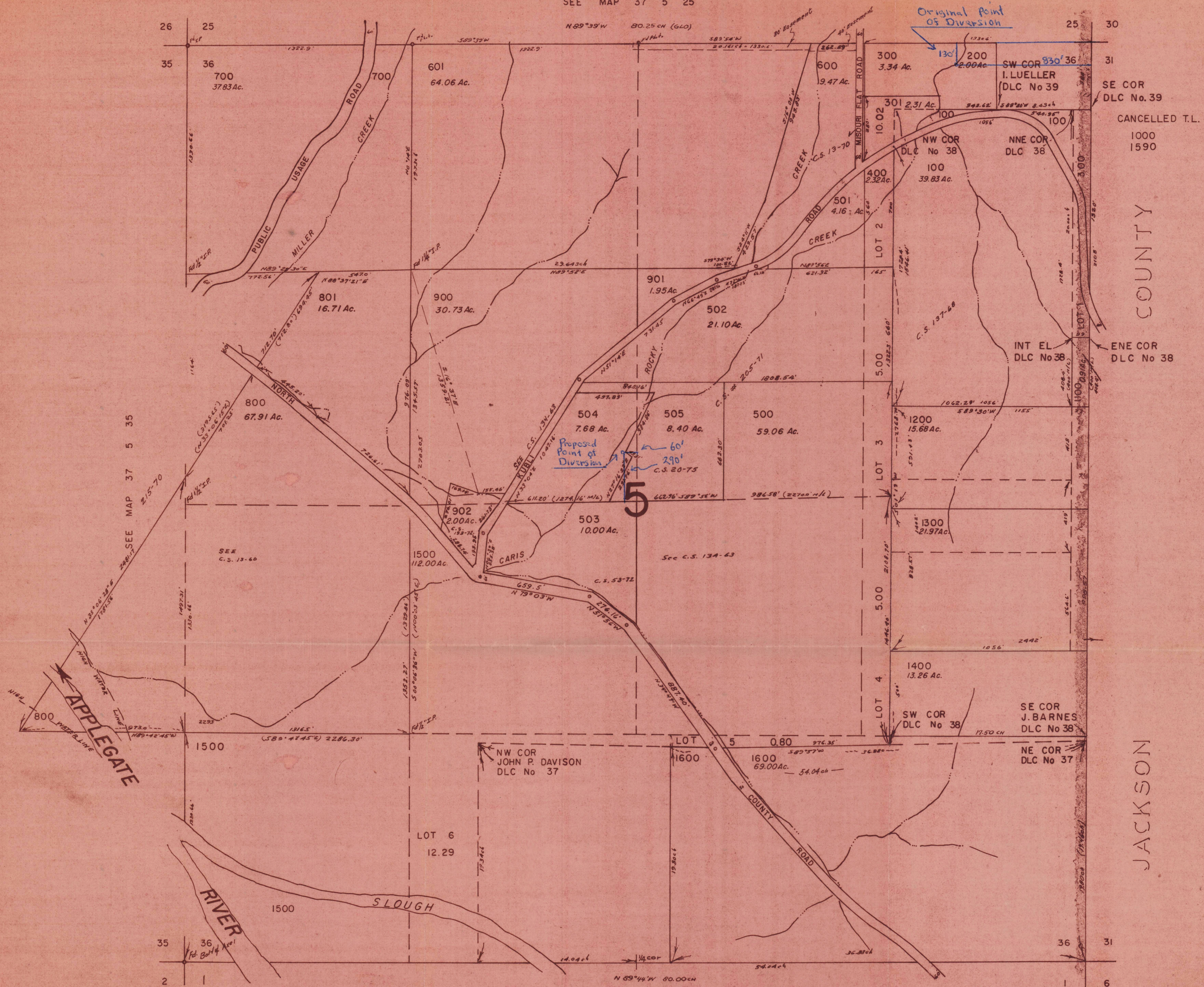
Aug 20 1980
Date

Donald M Ferrell
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

ok
Dix

SEE MAP 37 5 25



SEE MAP 38 5 1

RECEIVED

T-4427

MAR 17 1980
WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Donald M. Ferrell
(Name of applicant)
of 273 Kubli Rd., Grants Pass,
(Mailing address) (City)
State of Oregon, 97526, 846 6053, do hereby make application for change
(Zip Code) (Phone number)
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 W. S. Bailey
(If not, give name)
2. Was your water right determined by Decree of Court? yes If so, give title of proceedings
(Yes or No) Rogue River Decree number of certificate 10290
3. Was your water right acquired by Water Right Permit? No 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 Caris Creek
5. What is the date of priority of your water right? April 1890
6. The authorized point of diversion is located 130 ft. S and 830 ft. W from the NE
(N. or S.) (E. or W.)
corner of Sec. 36 being within the NE 1/4 NE 1/4 of Section 36 Tp. 37 S R. 5 W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Josephine The name of the ditch used is Bailey

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

7. The proposed point of diversion is located 290 ft. N and 60 ft. W from the Center
(N. or S.) (E. or W.)
corner of Sec. 36 being within the SE 1/4 NW 1/4 of Section 36 Tp. 37 S R. 5 W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Josephine 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 1/4-1/4 of Section	Number Acres To Be Irrigated
37S	5 W	36	S W 1/4 N E 1/4	0.2
			S E 1/4 N W 1/4	1.5

(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 1/4-1/4 of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

RECEIVED

MAR 17 1980
WATER RESOURCES DEPT.
SALEM, OREGON

To the Water Resources Director of Oregon:

I consent to and approve of the proposed change in the point of diversion and use of water from Caris creek to irrigate 1.7 acres of land by Donald M. Ferrell.

The right was determined by Rogue River Decree certificate number 10290 with a priority right of April 1890.

The proposed point of diversion will be changed from "Bailey Ditch" located 130 ft. S. and 830 ft. W from NE cor. of Sec. 36 being within the NE 1/4 NE 1/4 of Sec. 36 Tp. 37S R. 5 W W.M., to a new point of diversion on Caris Creek located 290 ft. N. and 60 ft. W. from the center cor. of Sec. 36 being within the SE 1/4 NW 1/4 of Sec. 36 Tp. 37S R. 5 W W.M. in Josephine County.

Jack A Bennett Jack A Bennett Date 2/9/80

Lucy C. Bennett Lucy C Bennett Date Mar 9, 1980

1330 Park St. Grants Pass
Owner Tax Lot 900 Tp. 37S R 5 W Sec. 36 W.M.

Ellard W. Fisher _____ Date _____

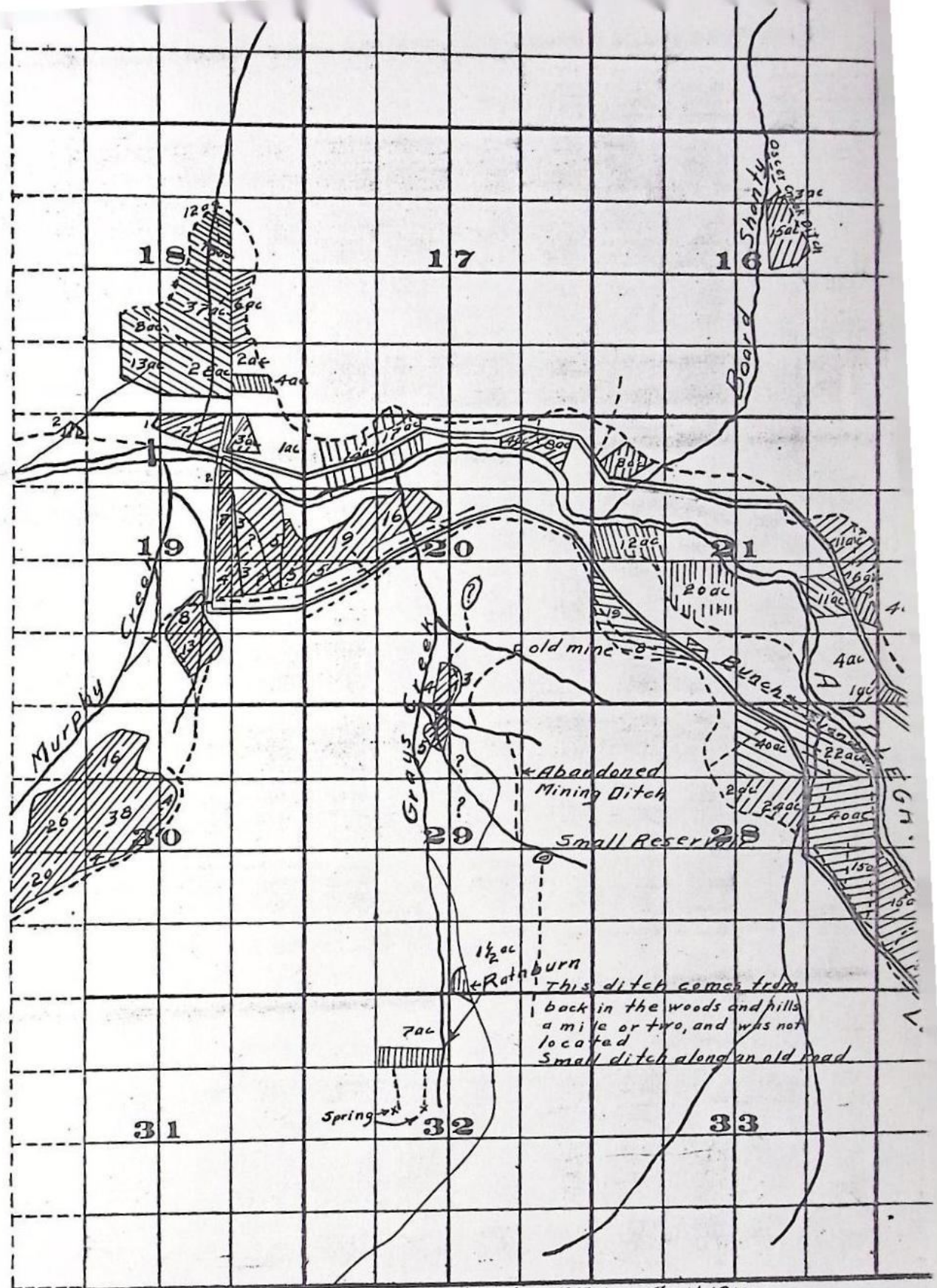
Ruth E. Fisher _____ Date _____

335 Kubli Rd. Grants Pass
Owner Tax Lot 502 Tp. 37S R. 5 W. Sec. 36 W.M.

Robert B. Hodge Robert B Hodge Date 3-16-80

Beverly M. Hodge Beverly M. Hodge Date 3-16-80

369 Kubli Rd. Grants Pass
Owner Tax Lot 505 Tp. 37S R 5 W Sec. 36 W.M.



Survey by R.D. Cooper Dec. 1909 and by J.S. McMahon April 1910



M.D.
D.R.M. 11/16-11

Scale of Feet.

Examined Sept. 18, 19.

14. Reasons for the proposed changes are To put it on record a change in point of diversion made in 1952. Since that time the water has been pumped from a sump at the new proposed point of diversion rather than from Bailey Ditch abandoned years ago

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

16. The water will be completely applied to the proposed use on or before March 15, 1980

Remarks Attached is a statement signed by adjoining property owners with a potential water right in Caris Creek to affect they approve or change in diversion point and use of the water.

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, Doned m Thonell, 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 13 day of March, 1980.

Doned m Thonell
(Name of applicant)

Subscribed and sworn to before me this 13th day of March, 1980



Julia Skelton
NOTARY PUBLIC FOR OREGON

My commission expires 3-28-81

second foot; for Irrigation of 2 acres; Erickson ditch; Description of place of use: 2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 7; Tp. 37 S. R. 6 W. W. M., Josephine County, Oregon.

LITTLE CHANEY CREEK,

A Tributary of Chaney Creek.

B. F. BULL.—See Paragraph 7.

BULL CREEK,

A Tributary of Applegate River.

L. B. AKERS, Wilderville, Ore., (Proof 74, Vol. 11); Priority 1892; 0.20 second foot; for Irrigation of 10 acres; Akers ditch; Description of place of use: 10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 20; Tp. 37 S. R. 6 W. W. M., Josephine County, Oregon. (See also Paragraph 7).

SPRING,

A Tributary of Applegate River.

F. V. STEVENSON.—See Paragraph 7.

JACKSON CREEK,

A Tributary of Applegate River.

JASPER WEATHERBEE, Wilderville, Ore., (Proof 775, Vol. 11); Priority 1879; 0.05 second foot; for Irrigation of 2 acres; Weatherbee ditch; Description of place of use: 2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 15, Tp. 37 S. R. 6 W. W. M., Josephine County, Oregon.

PANTHER CREEK,

A Tributary of Applegate River.

THOS. LEITH, Murphy, Ore., (Proof 777, Vol. 11); Priority July 22, 1894; 0.22 second foot; for Irrigation of 11 acres; Panther Creek ditch; Description of place of use: 6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 23; 2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 24, Tp. 37 S. R. 6 W. W. M., Josephine County, Oregon.

PACKERS GULCH,

A Tributary of Panther Creek.

THOS. LEITH, Murphy, Ore., (Proof 776, Vol. 11); Priority 1893; 0.03 second foot; for Irrigation of $\frac{1}{4}$ acre, and Domestic use; Packers Gulch ditch; Description of place of use: $\frac{1}{4}$ acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 24, Tp. 37 S. R. 6 W. W. M., Josephine County, Oregon.

IRON GULCH,

A Tributary of Applegate River.

THOS. LEITH, Murphy, Ore., (Proof 778, Vol. 11); Priority Apr. 4, 1902; 0.18 second foot; for Irrigation of 9 acres; Iron Creek ditch; Description of place of use: $7\frac{1}{2}$ acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 24; $1\frac{1}{2}$ acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 25; Tp. 37 S. R. 6 W. W. M., Josephine County, Oregon.

MURPHY CREEK,

A Tributary of Applegate River.

MADRONA LAND COMPANY, a corporation, 211 S. 6th St., Grants Pass, Ore., (Proof 779, Vol. 11); Priority 1892; 0.29 second foot, for Irrigation of 20 acres; Murphy Ditch No. 1; Description of place of use: 1.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 1.7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 5 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 19; Tp. 37 S. R. 5 W. W. M., Josephine County, Ore.

2; Description of place of use: 21 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 25; Tp. 37 S. R. 6 W. W. M.; 10 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 31 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 27 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; $21\frac{1}{2}$ acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 35 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 30; 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; $37\frac{1}{2}$ acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 19; Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon. (See also Paragraph 7).

GRAYS CREEK,

A Tributary of Applegate River.

PROTECTED COVE ORCHARDS, a corporation, (Successor to A. N. Parsons & P. T. Birchard), Grants Pass, Ore., (Proof 782, Vol. 11; Priority Aug. 18, 1877; 0.20 second foot; for Irrigation of 12 acres, and Stock use; Grays Creek ditch; Description of place of use: 5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 29; 4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 20, Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon. (See also Paragraph 7).

FRANCIS M. RATHBUN.—See Paragraph 9.

BOARD SHANTY CREEK,

A Tributary of Applegate River.

WINSLOW H. FOSTER, 9238 Pleasant Ave., Chicago, Ill., (Proof 785, Vol. 11); Priority 1887; 0.08 second foot; for Irrigation of 3 acres, and Domestic and Stock use; Oscar Creek & Board Shanty ditch ($\frac{1}{2}$ int.); Description of place of use: 3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 16; Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon.

E. R. JEFFERS, Murphy, Ore., (Proof 786, Vol. 11); Priority 1887; 0.22 second foot; for Irrigation of 11 acres; Oscar Creek mining ditch (1-8 int.); Description of place of use: 11 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 16; Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon.

W. R. JEFFERS, Murphy, Ore., (Proof 787, Vol. 11); Priority 1887; 0.10 second foot; for Irrigation of 4 acres; Oscar Creek Mining ditch (1-8 int.); Description of place of use: 4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 16; Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon.

BOARD SHANTY CREEK AND WILD CAT GULCH,

A Tributary of Applegate River.

OSCAR CREEK CONSOLIDATED MINING CO., A. C. Hough, Sec., Grants Pass, Ore., (Proof 788, Vol. 11); Priority Apr. 1, 1876; 10.00 second foot; for Mining, Nov. 1st to May 1st; Board Shanty ditch; Description of place of use: Placer mining on claims situate in Secs. 14, 15, 21 and 22, Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon.

OSCAR CREEK,

A Tributary of Applegate River.

OSCAR CREEK CONSOLIDATED MINING CO., A. C. Hough, Sec., Grants Pass, Ore., (Proof 789, Vol. 11); Priority Mar. 12, 1894; 10.00 second foot; for Mining

CARIS CREEK,

A Tributary of Applegate River.

W. S. BAILEY, Murphy, Ore., R. F. D. No. 1, (Proof 790, Vol. 11); Priority April, 1890; 0.25 second foot; for Irrigation of 15 acres; W. S. Bailey ditch; Description of place of use: 8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 36; Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon.

P. W. CARIS, Murphy, Ore., (Proof 791, Vol. 11); Priority 1897; 0.14 second foot; for Irrigation of 7 acres; Caris ditch; Description of place of use: 7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 25; Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon.

MINERS CREEK MINING COMPANY, a co-partnership, (By Elijah J. Davidson, Agt.), Kubli, Ore., (Proof 792, Vol. 11); Priority Feb. 11, 1865; 15.00 second foot; for Mining, Nov. 1st to May 1st; Miners Creek Mining Co's. ditch; Description of place of use: Placer ground located as follows: 5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 15 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; $24\frac{1}{2}$ acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 19; 20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 44 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 45 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 3.7 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 30; Tp. 37 S. R. 4 W. W. M., Jackson County, Oregon.

WM. MESKE, Murphy, Ore., (Proof 793, Vol. 11); Priority 1908; 0.10 second foot; for Irrigation of 4 acres; G. W. Bailey ditch; Description of place of use: 4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 36; Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon.

J. W. YORK, Murphy, Ore., (Proof 794, Vol. 11); Priority 1873; 0.03 second foot; for Irrigation of 1 acre; York ditch; Description of place of use: 1 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 36, Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon.

ROCKY GULCH,

A Tributary of Caris Creek.

MINERS CREEK MINING COMPANY, (Elijah J. Davidson, Agt.), Kubli, Ore., (Proof 797, Vol. 11); Priority 1894; 15.00 second foot; for Mining, Nov. 1st to May 1st; Miners Creek Mining Co. ditch; A right for placer mining purposes supplemental to the water right from Caris Creek and appurtenant to the same lands.

FRED M. MILLER, Murphy, Ore., (Proof 798, Vol. 11); Priority 1894; 15.00 second foot; for Mining, Nov. 1st to May 1st; Miller ditch; Description of place of use: Placer mining on lands in Sec. 25; Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon.

ISAAC VINCENT, R. F. D. No. 1, Murphy, Ore., (Proof 799, Vol. 11); Priority 1871; 0.12 second foot; for Irrigation of 7 acres; Miners Creek Mining Co. ditch; Description of place of use: 7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; and in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 24; Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon.

JAS. H. TOMPKINS, R. F. D. No. 1, Murphy, Ore., (Proof 800, Vol. 11); Priority



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: March 24, 1980.FROM: ** Robert B. Steimer, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4427IN THE NAME OF Donald M. Ferrell

In my opinion the proposed change in POD of water from Caris Creek
MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

Headgate notices ~~XXXX~~ 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 -- Permit 42146
(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 _____

I am not certain that all of the people in the area agree with the
proposed change. It appears to me it will have to be a change in
place of use as well as a change in point of diversion. If Mr. Ferrell
is changing place of use from property other than his own, we should
have the concurrence of the owner of that property.

** Robert B. Steimer
Watermaster's signature or initials

RECEIVED

MAR 26 1980

WATER RESOURCES DEPT
SALEM, OREGON

LEGAL NOTICE

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 4427

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

The affected water right is a portion of the right described by the certificate recorded at page 16290, Volume 13, State Record of Water Right Certificates, in the name of W. S. Bailey, and is for the use of not to exceed 0.028 cubic foot per second from Carls Creek, under a priority date of April, 1890, for irrigation of a certain 0.2 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$ & 1.5 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 36, T 37S, R 5W, WM.

The authorized point of diversion is located 130 ft S & 830 ft W from the NE Corner of Sec 36, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 36, T 37S, R 5W, WM (Bailey Ditch).

The applicant proposes to change the point of diversion to a point located 290 ft N & 60 ft W from the Center of Sec 36, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 36, T 37S, R 5W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, August 7, 1980, at the Josephine County Courthouse, Grants Pass, Oregon. Any objections to the proposed change must be prepared in writing: one copy to be served on the applicant at 273 Kubli Rd, Grants Pass, OR 97526; 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 17th day of March, 1980

James E. Sexson, Director
No. 174—Sat.—June 14, 21 & 28, 1980

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JUL 3 1980

WATER RESOURCES DEPT
SALEM, OREGON

AFFIDAVIT OF PUBLICATIONS

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

which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues June 14, 21 & 28, 1980 *ok*

Charles J. Moore
Subscribed and sworn to before me this 28th day of

June, 19 80

St. Kathleen Zahner
Notary Public of Oregon.

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

June 7, 1980

Water Resources Dept.
555 13th St. N E
Salem, Ore.

Dear Mr. Samuel R. Allison:

The attached map outlines the lands I irrigated with water from Caris Creek in the years from 1952 to 1963. Under terms of the Rogue River Decree I was entitled to the Caris Creek stream flow one day per week during the irrigation season from 7 am Saturday to 7 am Sunday.

I soon found there was a large loss of water using the W. S. Bailey ditch due to disrepair, weeds and rodent burrows.

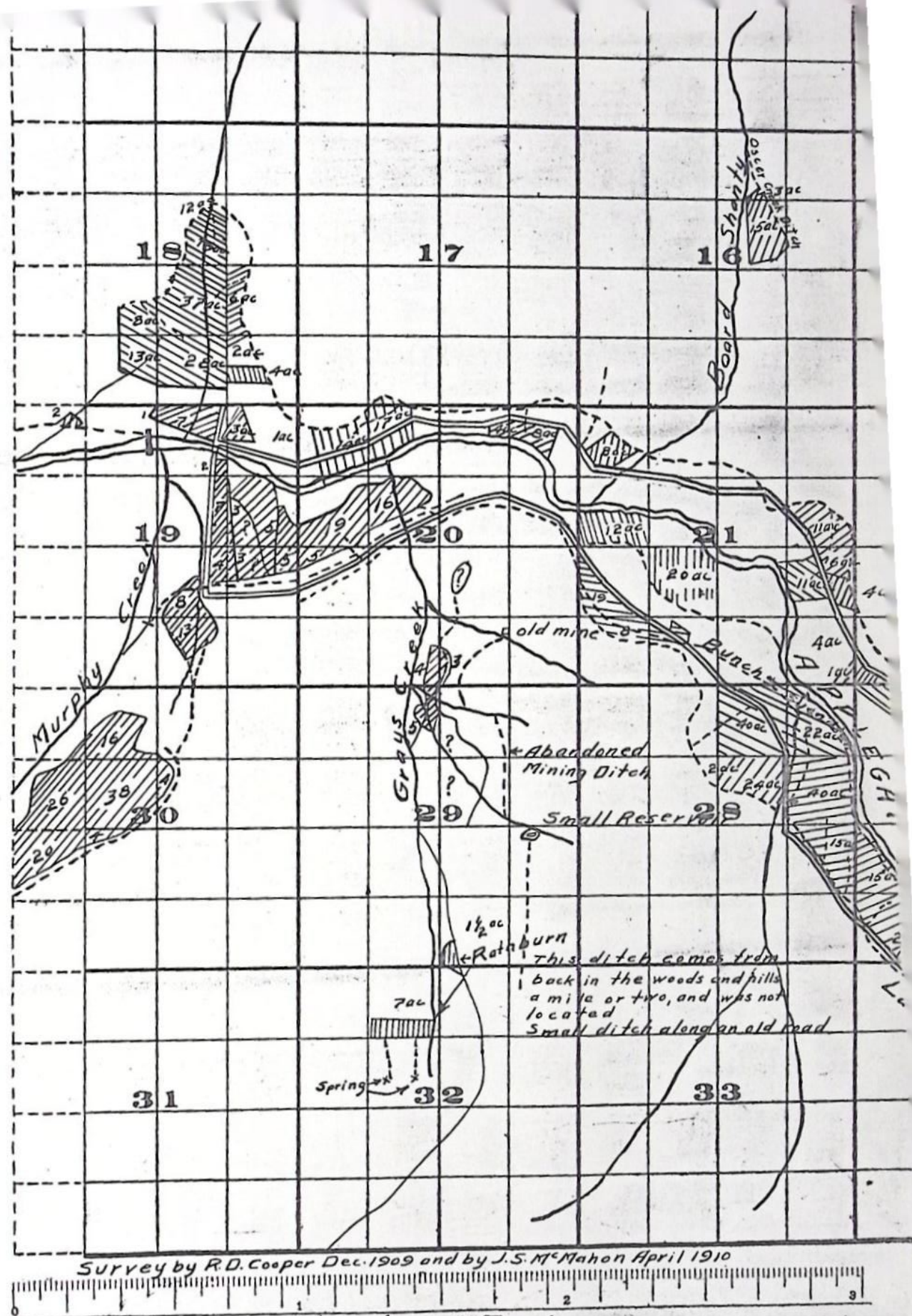
I also noted stream flow in Caris Creek from waste and escape water below the intakes of upstream users of water the other 5 days of the week.

In 1953 I changed by point of diversion, constructed a sump, and installed a pump and pipe lines to better utilize the Saturday stream flow and waste water as authorized by the Rogue River Decree to W. S. Bailey.

This system was used to irrigate the lands outlined on the attached map by me until I sold the land to Finis Smith in 1963. At that time the rights to Caris Creek water were conveyed to him. From then until the present time subsequent owners of the property have used the same point of diversion and pump system to utilize Caris Creek water.

Yours truly,
E E Wilken
E. E. Wilken
184 Missouri Flat Rd.
Grants Pass, Ore.

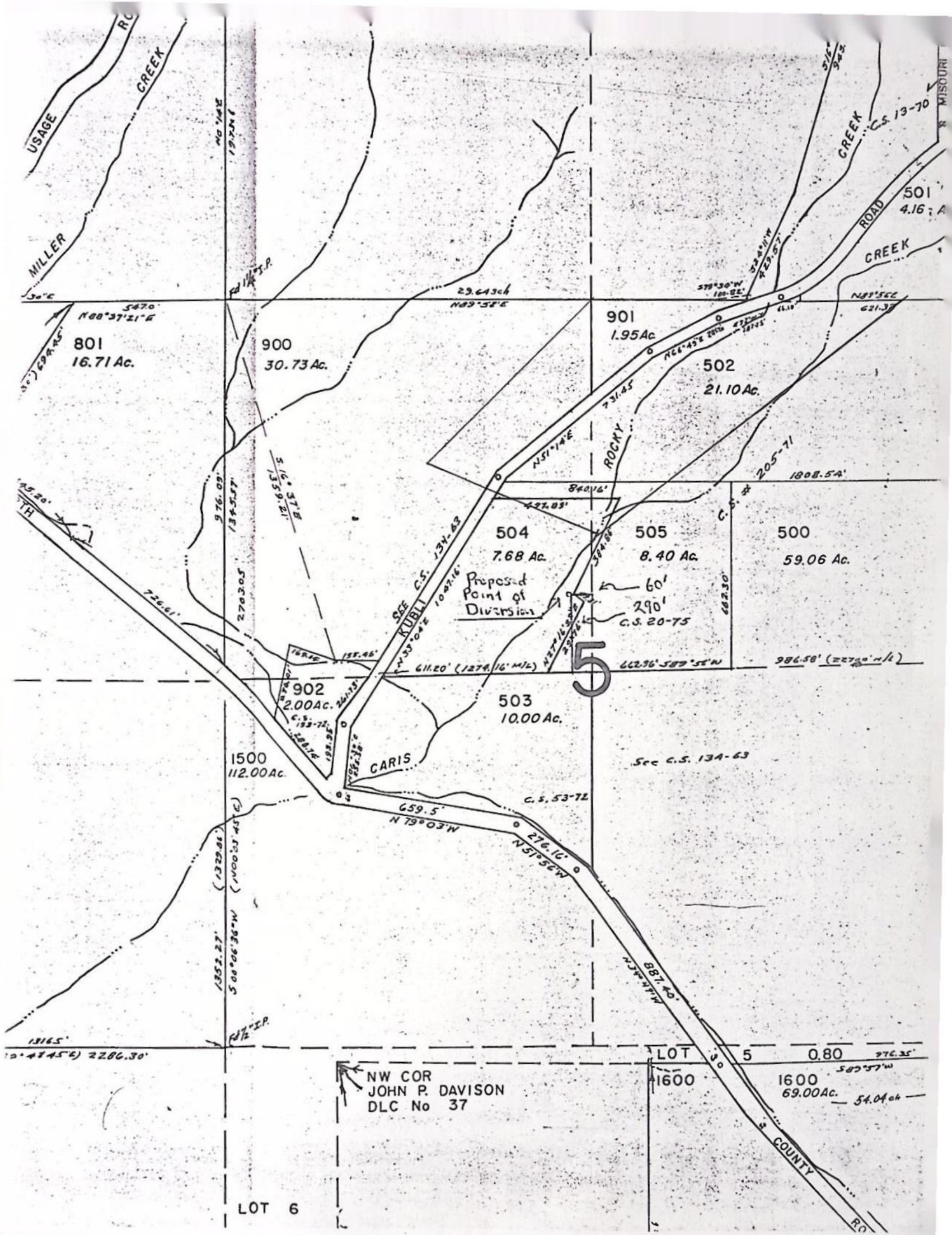
A# 38748
P 44688



M.D.
D.F.M. 11/16-11

Scale of Feet.

Examined Sept. 18, 1901



applying for
primary supply
from Applegate
River

primary source:
Caris Creek under
Cart # 16290 &
applying for
supplemental
supply from
Applegate
River

T-4927

Application No. 58748
Permit No. 44688

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JUN 05 1979

WATER RESOURCES DEPT.
SALEM, OREGON

NW COR
JOHN P. DAVISON
DLC No 37

LOT 6
12.29

LOT 5
1600
69.07 Ac.

1600
69.07 Ac.

COUNTY
ROAD

SW COR
DLC No 38

1400
13.26 Ac.

1300
21.97 Ac.

1200
15.68 Ac.

500
59.06 Ac.

505
8.40 Ac.

503
10.00 Ac.

902
2.00 Ac.

901
1.95 Ac.

502
21.10 Ac.

400
23.2 Ac.

501
4.16 Ac.

100
39.83 Ac.

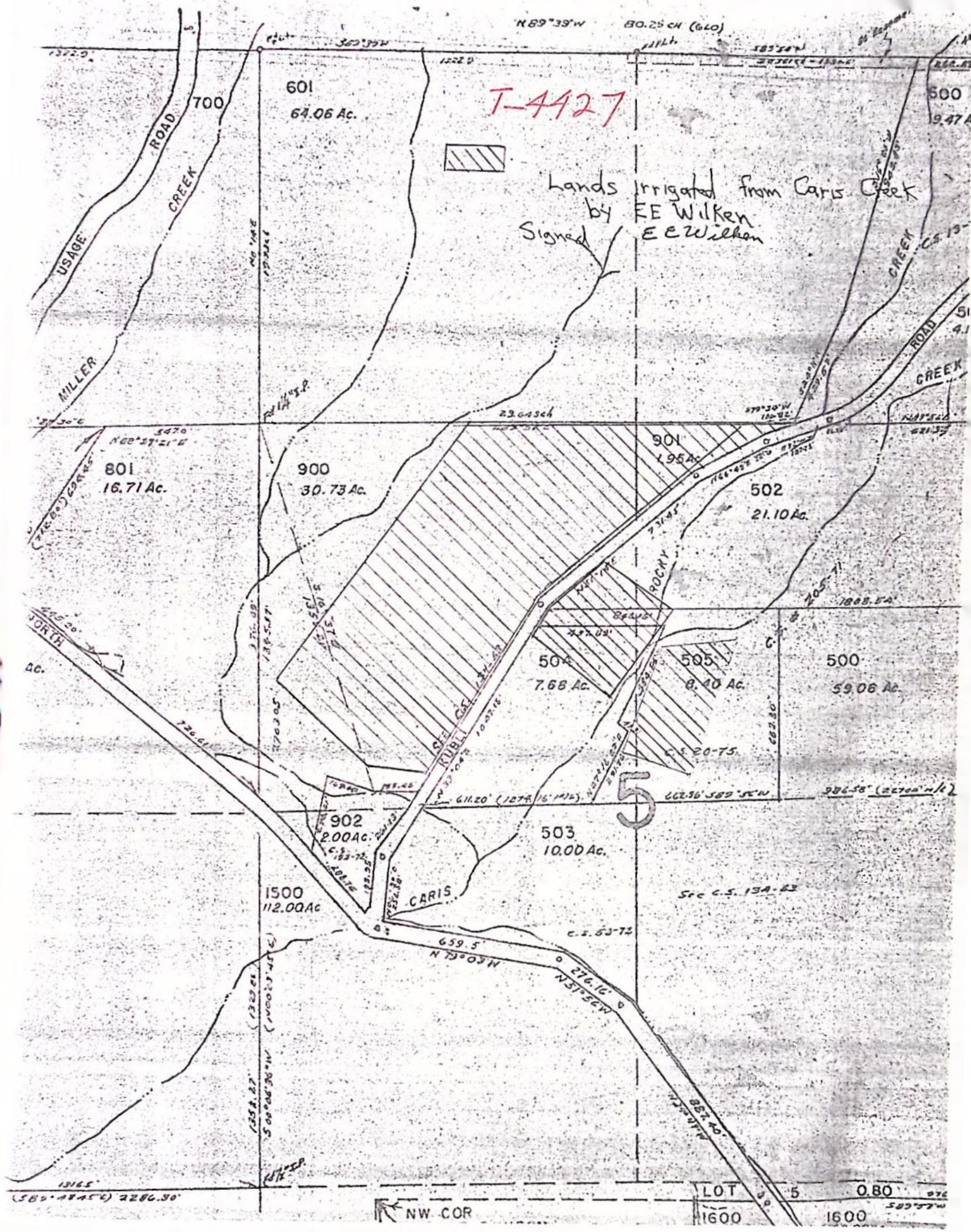
900
30.73 Ac.

1500
12.00 Ac.

500'06'36" N (100'03'42" E)

134'55'18" S

172'24'11" S



T-4427

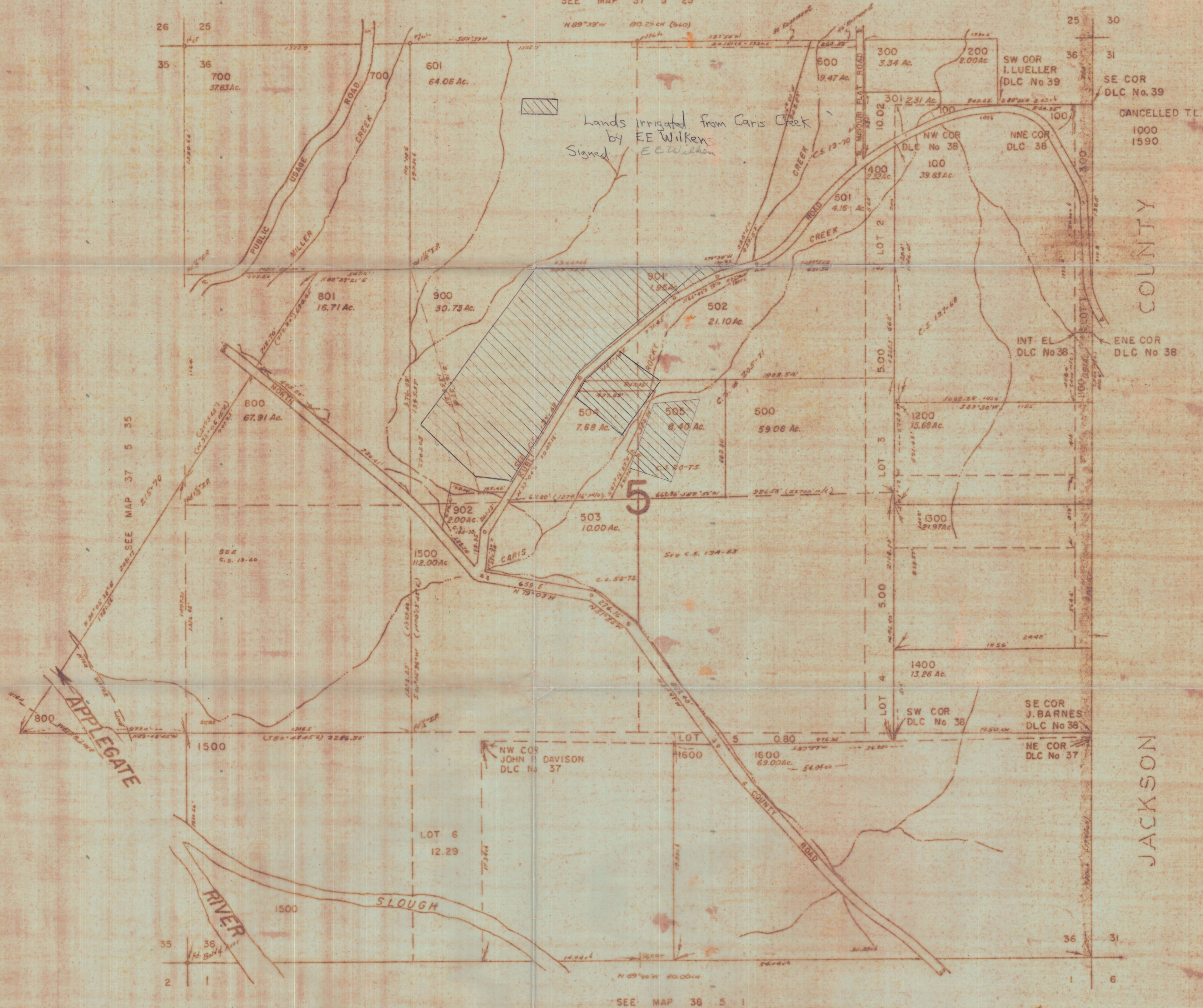
Lands irrigated from Caris Creek
by EE Wilken
Signed EE Wilken

5

NW COR

LOT 5 0.80 1600 1600

SEE MAP 37 5 25



SEE MAP 38 5 1

Application No. 58748Permit No. 44688RECEIVED
JUN 05 1979
WATER RESOURCES DEPT.
SALEM, OREGONSTATE OF OREGON WATER RESOURCES DEPARTMENT
Application for Permit to Appropriate Surface WaterI, DONALD M. FERRELL

(Name of Applicant)

of 273 KUBN RD.

(Mailing Address)

GRANTS PASS

(City)

State of OREGON97526

(Zip Code)

Phone No. 546-6053do hereby
make application for a permit to appropriate the following described waters of the State of Oregon:1. The source of the proposed appropriation is APPLEGATE RIVER, a tributary of ROGUE RIVER2. The point of diversion is to be located 1250 ft. N and 150 ft. E

(N. or S.)

(E. or W.)

from the SW corner of SEC. 6 - NORTHSIDE DITCH

(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of
Sec. 6 Tp. 38 S R. 4 W, W. M., in the county of JACKSON

(N. or S.)

(E. or W.)

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

Township	Range	Section	List $\frac{1}{4}$ $\frac{1}{4}$ of Section	List use and/or number of acres to be irrigated
<u>37 S</u>	<u>5 W</u>	<u>36</u>	<u>SE $\frac{1}{4}$ NW $\frac{1}{4}$</u>	<u>3.5 # AC. Primary</u>
			<u>SW $\frac{1}{4}$ NE $\frac{1}{4}$</u>	<u>0.2 AC Supplemental</u>
			<u>SE $\frac{1}{4}$ NW $\frac{1}{4}$</u>	<u>1.5 AC Supplemental</u>
				<u>5.2</u>

Application No. 58148

Permit No. 44688

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same **SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD** and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.07 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Applegate River

The use to which this water is to be applied is irrigation and supplemental irrigation

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4½ acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

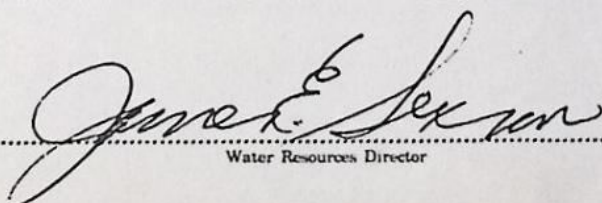
and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.
June 5, 1979 for 0.05 c.f.s. and

The priority date of this permit is January 28, 1980 for 0.02 c.f.s.

Actual construction work shall begin on or before February 25, 1981 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1981

Complete application of the water to the proposed use shall be made on or before October 1, 1982

WITNESS my hand this 25th day of February, 1980


Water Resources Director

T-4427

7.68 Acres of land in Section 36, Township 37 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon, described as follows: Beginning at the Southwest corner of D.L.C. No. 38 in said Section 36; thence North $1^{\circ} 19'$ East 1445.07 feet along the West line of D.L.C. No. 38; thence West 1649.54 feet to an iron rod, to the true point of beginning; thence North $27^{\circ} 16' 22''$ East 291.76 feet to an iron rod; thence North $53^{\circ} 10' 54''$ West 49.31 feet to a nail point in the center of a bridge; thence North $27^{\circ} 00' 42''$ East 384.86 feet to an iron rod; thence West 457.89 feet to the apparent center line of Kubli Road; thence along said apparent center line Southwesterly to a point that bears West of the true point of beginning; thence East 611.20 feet to the true point of beginning. LESS & EXCEPT any portion lying within Kubli Road.

37-5-36 Pt TL 504 Code No. 5

Application No. 58748
Permit No. 44688

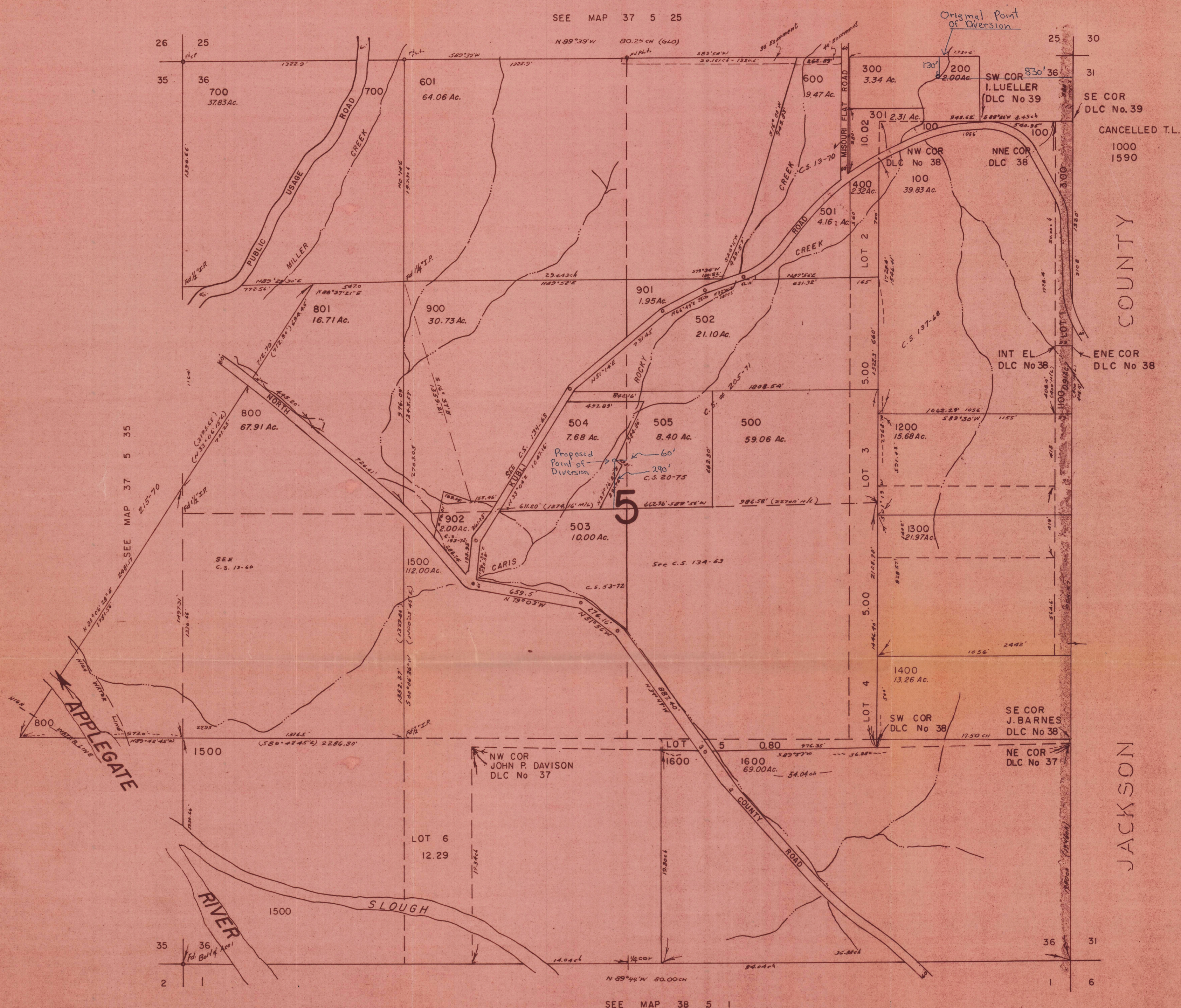
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JUN 05 1979
WATER RESOURCES DEPT.
SALEM, OREGON

$$1'' = 400'$$

MAR 17 1980

WATER RESOURCES DEPT.
SALEM, OREGON

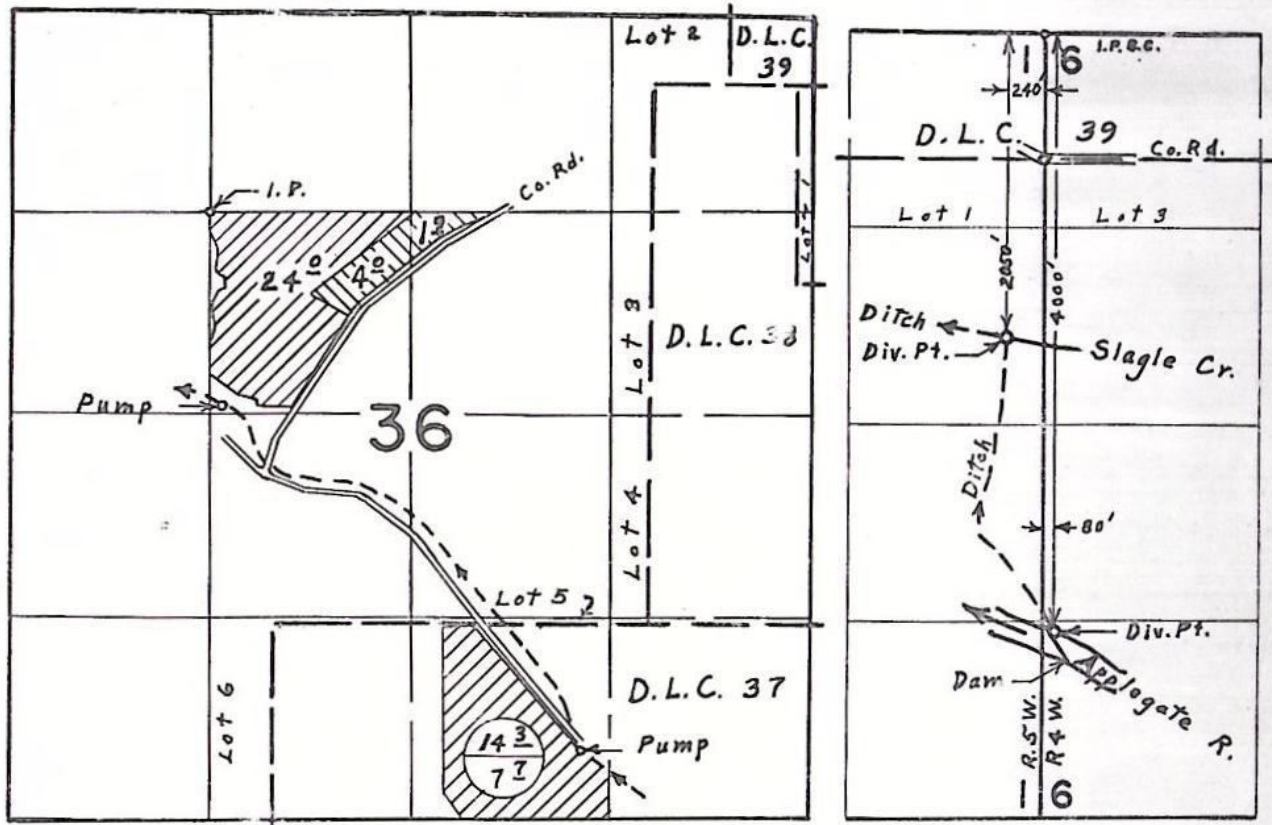
SEE MAP 37 5 25



SEE MAP 38 5 1

T.37S. R.5W. W.M.

T.38S. R.4&5W. W.M.



Primary
Supplemental



FINAL PROOF SURVEY
UNDER

Application No. 42776. Permit No. 31281.
IN NAME OF

NORTH SIDE APPLIGATE RIVER DITCH CO., INC.

May 16 1975
Surveyed Sept. 16 1974, by Larry M. Toll