

Name USDI/BLM

By

Address 3090 Biddle Road
Medford, OR 97504

Change in POD

Date filed March 27 1984

Date of hearing

Place of hearing

Date of order Sept. 28, 1981 Vol. 41, page 490

Date for application of water 10-1-89

Proof mailed

Proof received

Certificate issued 10/06/86 Vol. 6, page 52447
to survey 5-10-88

PROTESTED (2)

5455

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River

Trib. of County of Josephine

Use irrigation

Quantity of water No. of acres

Name of ditch Bridgepoint to Laurel Hill

Date of priority Oct 1898

In name of Sam & Nellie Letteken

Rogue River Adjudication, Vol. 13, page 393

App. No. — Per. No. — Cert. No. 32822

Certificate cancelled

Notation made on record by

FEES PAID

| Date | Amount | Receipt No. |
|-------------|------------------|-------------|
| 6-13-84 | 85 ⁰⁰ | 43084 |
| TOTAL . . . | | Cert. Fee |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

| INDEX CARDS: | | |
|---------------------|--------------|----|
| X | Name | eg |
| X | Stream | eg |
| — | Pt. of Div. | — |
| — | Calendar | — |
| CLOPPED TO RECORDS: | | |
| X | Twp. & Rge. | eg |
| X | Decree-vault | eg |
| X | Decree-safe | eg |
| X | Cert. of W/R | eg |
| — | Per. Folder | — |
| — | Chindex | — |
| — | Cross Ref. | — |
| — | Power Claim | — |
| X | Abstracts | eg |

REMARKS

Companion files T-5453, T-5454 & T-5456 closed

| | |
|-----------|--------|
| W.R.I.S. | |
| Assembled | by SPB |
| Entered | by |
| Verified | by |

1745

Protest by:

(1) Robert F. & Nola M. Ettner
(2) Laurel Hill Ditch Company

1-16-85

Don Hicks - BLM, Medford

Budget being cut

Laurel Hill D.C. may withdraw F-5935
protest then it can be completed separately.

Consultant in Seattle is planning development
schedule for sprinkler system, entire program may
take about 4 years to implement.

| | |
|------------------------------|-------------|
| Plat Card Marked | (X) |
| Certificate Marked | (X) |
| Certificate Copied | (X) |
| Decree Marked (Vault) | (X) |
| Decree Page Copied | (X) |
| Transfer Folder Marked | (X) |
| Permit Folder Marked | (X) |
| Name Card Made | (X) |
| Stream Card Made | (X) |
| Entered in Log | (X) |
| Acknowledgement Drafted | (X) |
| Acknowledgement Mailed | (X) |
| PON Drafted | (X) |
| PON Mailed | (X) |
| Watermaster Report Sent | (X) 6-16-87 |
| Calendar Card Made | (X) |
| Order Drafted | (X) |
| Order to WPC | (X) |
| Special Order pages Reserved | (X) |
| Volume & page on Order | (X) |
| Order Signed by Director | (X) |
| Survey Card Made | (X) |
| Order Copied | (X) |
| Order Sent | |
| Applicant | (X) |
| Watermaster Division | (X) |
| Watermaster | (X) |
| Folder | (X) |
| Special Order Book | (X) |
| Completion Notice | () |
| Survey Form | () |

3-30-87

Pat Kelly, Atty. called. BLM &
Laurel Hill Ditch Co are working the
problem out. It will be resolved
shortly.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS. 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

USDI - BLM
3040 BIDDLE ROAD
MEDFORD, OR 97504

confirms the right to use the waters of THE APPLEGATE RIVER, a tributary of THE ROGUE RIVER, for IRRIGATION OF 36.9 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 16, at Page 523. The date of priority is OCTOBER, 1898.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.74 CUBIC FOOT PER SECOND (if available at the original point of diversion, BRIDGEPOINT DITCH - SW 1/4 SE 1/4, SECTION 17, T 38 S, R 4 W, W.M.), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LAUREL HILL DITCH: SW 1/4 NE 1/4, SECTION 1, T 38 S, R 5 W, W.M.; 125 FEET NORTH AND 500 FEET EAST FROM THE CENTER 1/4 CORNER, SECTION 1.

A description of the place of use to which this right is appurtenant is as follows:

SE 1/4 NW 1/4 25.0 ACRES
NE 1/4 SW 1/4 11.9 ACRES
SECTION 1
TOWNSHIP 38 SOUTH, RANGE 5 WEST, W.M.

NOTE: To the extent of 9.6 acres in SE 1/4 NW 1/4 and 11.9 acres in NE 1/4 SW 1/4, said Section 1, the foregoing right is supplemental to the vested right allowed claimants' predecessor to the use of water from Williams Creek through York and Breedon Ditch, as set out in the Rogue River Decree on Page 26, Column 2, under Proof 813. The supplemental right allowed herein is limited to use on the land to which it is appurtenant in an amount not exceeding 0.02 cubic foot per second per acre for each acre irrigated during the irrigation season, and the quantity used from all sources shall not exceed 0.02 cubic foot per second per acre for each acre irrigated during the irrigation season.

The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.74 cubic foot per second.

The diversion works shall include an in line flow meter, weir, or other suitable device for measuring the water to which the water user is entitled.

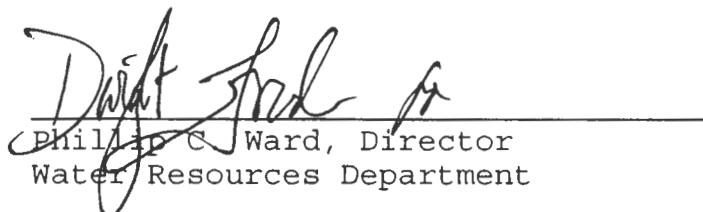
This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered SEPTEMBER 28, 1987, approving Transfer Application 5455, and supersedes Certificate 32822, State Record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed

OCT 06 2006

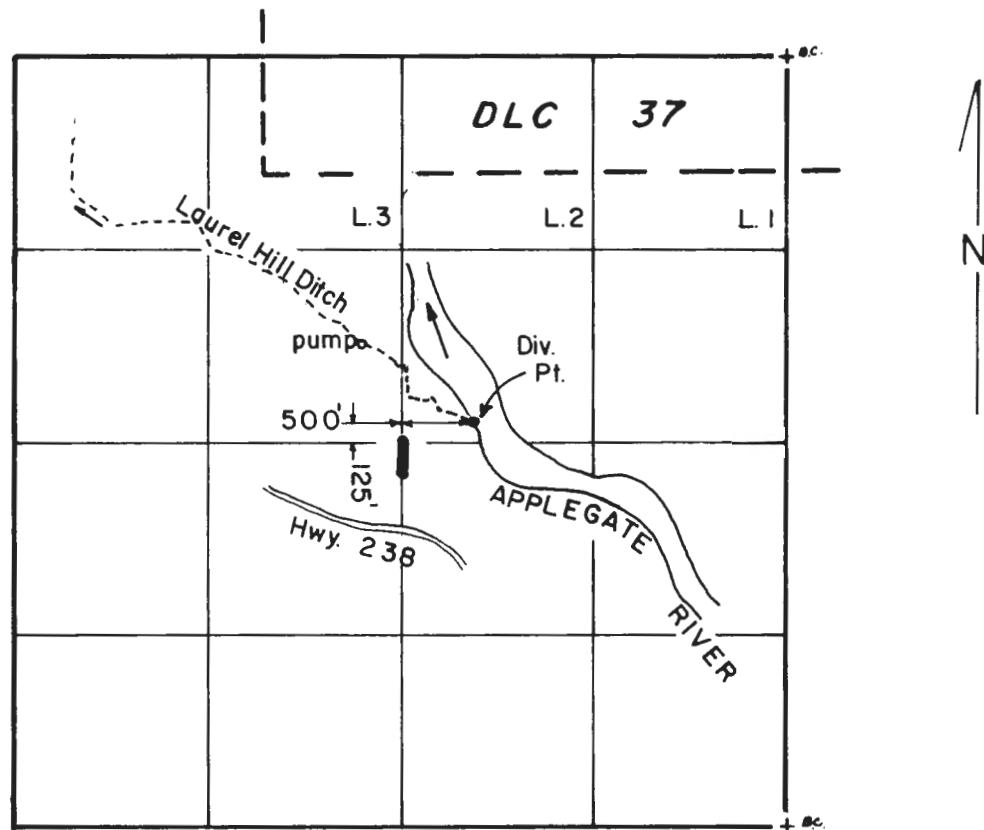


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 82447

T-5455.JWG

T. 38 S., R. 5 W., W. M.



Scale: 1" = 1320'

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 5455

Application No. Permit No.
IN NAME OF

..... U.S.D.I. - B.L.M.

Surveyed N.O.V. 22. 1989, by B. S. JAMES.

Mailing List for Transfer Certificate

Mailing Date:

Application: T-5455

Certificate: 82447

Certificate/Transfer Holder:

USDI - BLM
3040 BIDDLE ROAD
MEDFORD, OR 97504

Other persons to receive copies: (include map):

1.

Copies Mailed
by: Connie Vaance
(STAFF)
on: 10/6/2006
(DATE)

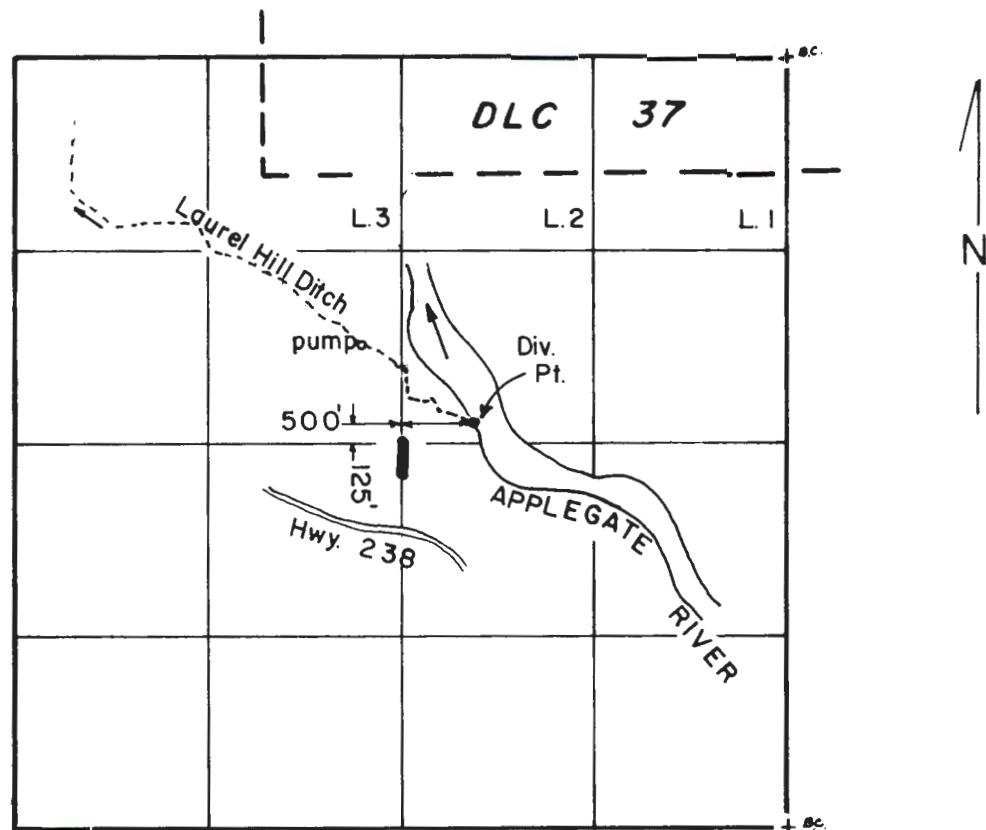
Copies of Final Certificate to be sent to:

1. Watermaster #14 (include copy of map)
2. Water Availability
3. Vault
4. File
5. Data Center

Record Marking (See Instruction Sheet)

1. Application #
2. Old Certificate# 32822
3. Decree Name: ROGUE RIVER, VOLUME 16, PAGE 523

T. 38 S., R. 5 W., W. M.



Scale: 1" = 1320'

**FINAL PROOF SURVEY
UNDER**

TRANSFER NO. 5455

**Application No. Permit No.
IN NAME OF**

U.S.D.I. - B.L.M.

Surveyed N.O.V. 22, 1989, by B. S. JAMES...

FINAL PROOF CHECK LIST

FILES

- Plat Cards *NA*
- Conflicts? *POD*
- Comparisons *only*

DRAFTING

- GLO's (Layout, Lots, DLC's)
- Quads
- Legal Description
- Section Breakdown
- Diversion Point Dimensions
- Acreages
- Township, Range, Section
- Physical Features
- Survey ID Info

FIELD FORM

- Name, Address, County
- Source
- Tributary
- Use
- Priority Date
- POD
- Time Limits, Survey Reg?
- POU
- Q-Calculations
- Rate/Duty - ?

PROV. CERT. ?

Not sure if the

nt

DUTY & A.F. LIMITATION

PARAGRAPH SHOULD

8/91

BE DELETED -

NOT IN R.R. DECREE

Aerial Photo Copy Enclosed

Proposed Certificate on
Disc #

Sent to Salem

date

109R

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

3 CLAUSE

IN THE MATTER OF THE APPLICATION OF)
USDI - BLM FOR APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER)

150

ORDER APPROVING
TRANSFER 5455

On March 27, 1984, an application was filed in the office of the Water Resources Director by USDI - BLM for approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was established in the name of Sam and Nellie Letteken, tabulated in Volume 13, page 393, Order Record of the Water Resources Director, for use of not to exceed 0.74 cubic foot per second from Applegate River for irrigation of a certain 25.0 acres in the SE 1/4 NW 1/4 and 11.9 acres in the NE 1/4 SW 1/4, Section 1, Township 38 South, Range 5 West, WM with a date of priority of October 1898, as evidenced by the certificate recorded at page 32822, Volume 24, State Record of Water Right Certificates.

Water for the said right is diverted, ^{west} through the Bridegpoint Ditch, from a point located 1075 feet North and 1660 feet East from the SE corner, being within the SW 1/4 SE 1/4 of Section 17, Township 38 South, Range 4 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to the Laurel Hill Ditch at a point located 125 feet North and 500 feet East from the center of Section 1 being with the SW 1/4 NE 1/4 Section 1, Township 38 South, Range 5 West, WM and to cancel the domestic portion of said right. The change in point of diversion is reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in the Grants Pass Daily Courier, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of April 12, 19 and 26, 1984.

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 proposed change in point of diversion is approved, without loss of priority, and the domestic portion of said right is canceled.

INFO: PERSONAL OBSERVATION. SYSTEM ALL EXISTS IN FIELD;
PUMP DIRECT FROM DITCH "PROVOLT SEED ORCHARD"
14171 WILLIAMS HIGHWAY (HWY 238)
GRANTS PASS, OR 97527
PH. 846-7296

SOURCE: APPLEGATE RIVER VIA: LAUREL HILL DITCH.

DIV. PT: STRUCTURE

MOTOR: BALDOR ELECT 25 HP - Operates at 65-70 PSI

PUMP: BERKELEY CENT 6" X 6"

PIPE: ~~is~~ buried ~~solid~~ solid system
RB 30 ~~7 1/8~~^{X 0} - 124 max, system
Rated to put out 375 to 400 gpm at 65-70 psi

USE: SEEDLING TREE FARM

LIFT: Suction - 6'
discharge - ± 0

TIE: 41033-179-109R MONT: ~~36 13/16~~

Brue James F.
11-22-89.

11-27-89, TALK BY PHONE TO IRRIGATOR ON RANCH, LARRY
WELSH. HE VERIFIED INFO.

The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.74 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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 right to divert water from the point described in Certificate 32822 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1989.

It is FURTHER ORDERED that the certificate recorded at page 32822, Volume 24, State Record of Water Right Certificates, is canceled; 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.

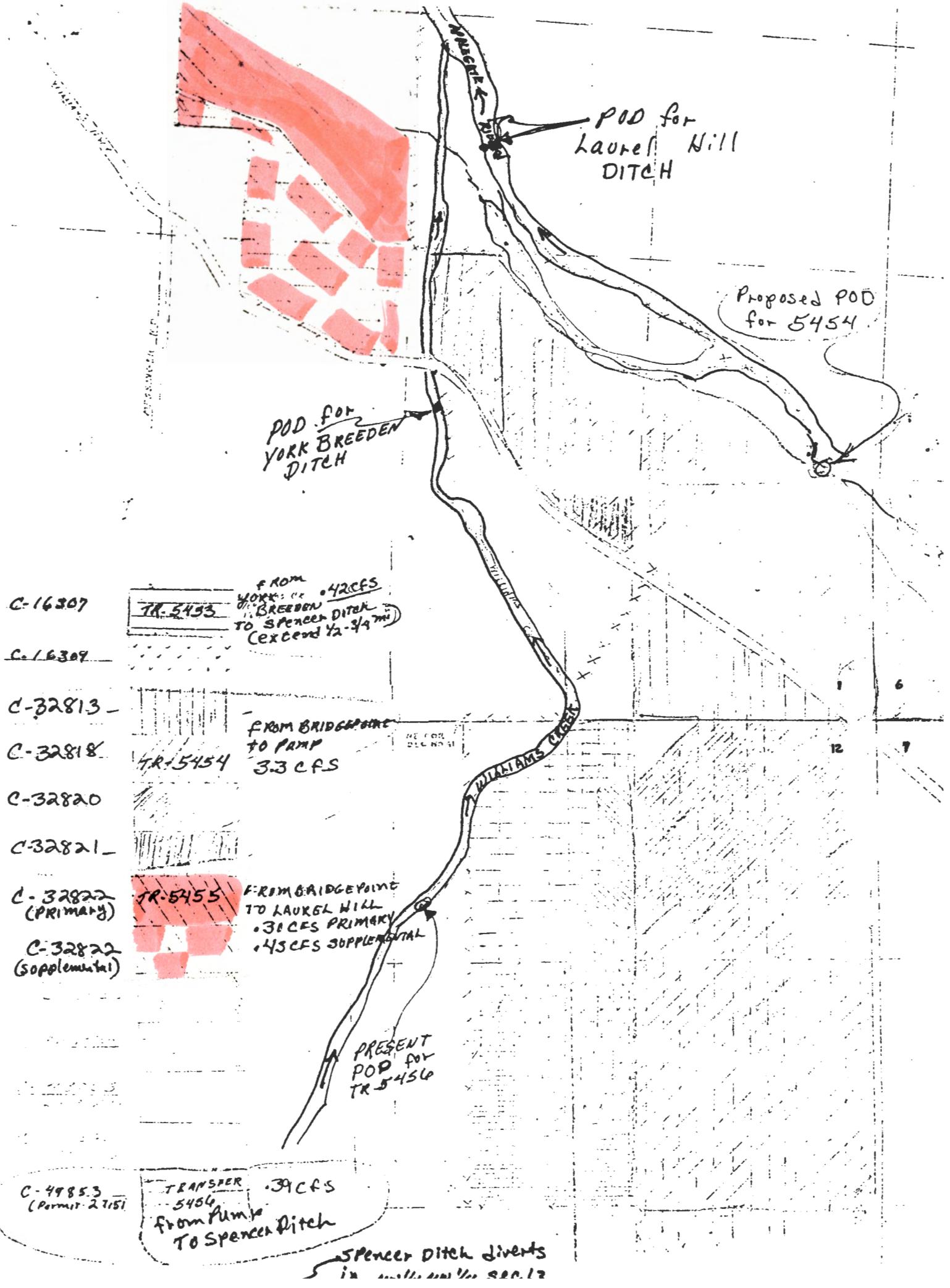
Dated at Salem, Oregon, this 28th day of September, 1987.

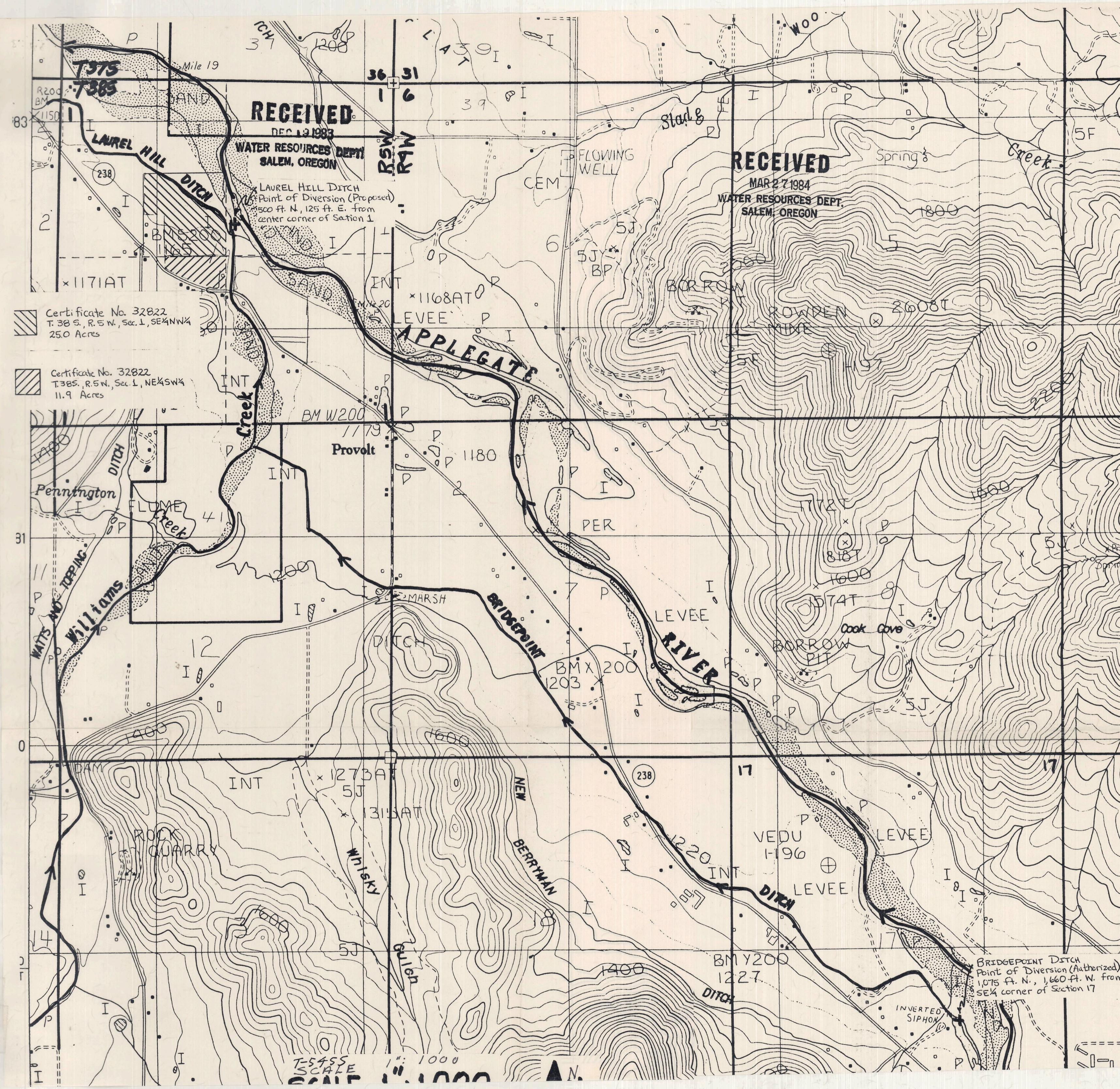
William H. Young
WILLIAM H. YOUNG
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

0337/G
1520E









STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

APR 17 1991

WATER RESOURCES DEPT.
SALEM, OREGON

TO: LARRY NUENN
FROM: SUSY II - MEDFORD
SUBJECT: T- 5455

DATE: 4/16/91

THIS CERT. TURNED UP AFTER THE PROPOSED
CERT WAS MAILED OUT YESTERDAY.

I THINK SOMEONE SHOULD CHECK THE (NOTE--)

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That SAM and NELLIE LETTERKEN,

of Provolt
to the use of the waters of Applegate River

, State of Oregon , has a right

a tributary of Rogue River
domestic and irrigation of 36.9 acres

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Jackson County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 16 , at page 523 ; that the priority of the right thereby
confirmed dates from October, 1898;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 0.74 cubic foot per
second.The point of diversion is located in the SW¹ SE¹, Section 17, T. 38 S., R. 4 W., W.M.A description of the place of use under the right, and to which such right is appurtenant, is as
follows:

25.0 acres in that part of SE¹ NW¹
lying South of the Applegate River
11.9 acres in that part of NE¹ SW¹
lying North of the highway
Section 1,
T. 38 S., R. 5 W., W.M.

(Note. To the extent of 9.6 acres in SE¹ NW¹ and 11.9 acres in NE¹ SW¹, said
Section 1, the foregoing right is supplemental to the vested right allowed
claimants' predecessor to the use of water from Williams Creek through York
and Breedon Ditch, as set out in the Rogue River Decree on Page 26, Column 2,
under Proof 813. The supplemental right allowed herein is limited to use on
the land to which it is appurtenant in an amount not exceeding 0.02 cubic foot
per second for each acre irrigated during the irrigation season, and the
quantity used from all sources shall not exceed 0.02 cubic foot per second per
acre for each acre irrigated during the irrigation season.)

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

WITNESS the signature of the State Engineer, affixed

this date January 5 , 1966 .


State Engineer

125
7-1
V.1
CERTIFICATE OF
WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON.

County of }
State of Oregon, }
County of Josephine, }
ss. No. 23470

I, A. Dorley Barnes, County Clerk and Received
ex-officio Recorder of Conveyances, in
and for said County, do hereby certify
that the within instrument was re-
ceived for record at

of Rec. JAN 26 1900 PM ates. at

Page day
of ...



Clerk.

COUNTY CLERK
JOSEPHINE COUNTY OREGON

and Recorded
at Page 624-625 of Vol. 11

Water Right
Records of Josephine County, Oregon.

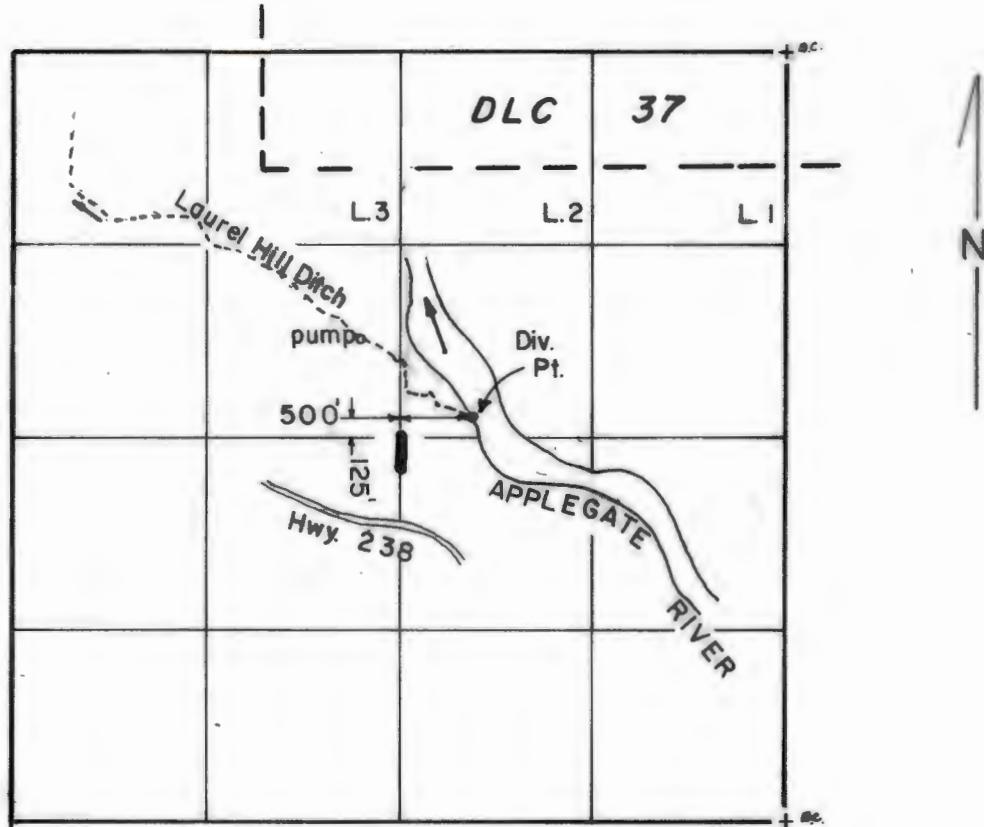
A. DORLEY BARNES Co. Clerk

By Robert Deputy

Fee \$1.00

1-64-108

T. 38 S., R. 5 W., W. M.



Scale: 1" = 1320'

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 5455

Application No. Permit No.
IN NAME OF

U.S.D.I. - B.L.M.

Surveyed N.O.V. 22, 1989, by R. S. JAMES...

Gerry Clark

From: Gordon_Lyford@or.blm.gov
Sent: Friday, August 04, 2006 8:32 AM
To: Gerry Clark
Subject: RE: T-5455

Hi Gerry-

Thanks for checking. I will be on vacation next week and will be back on August 14.

Thanks - Gordon

"Gerry Clark"
<Gerald.E.CLARK@w
rd.state.or.us> To
08/03/2006 05:17 <Gordon_Lyford@or.blm.gov> cc
PM RE: T-5455 Subject

Gordon,

I pulled the file to see what the status was. It appears that we do have a Final Proof Survey map and report. We will take a look at the file next week.

Gerry

Gerry Clark
Water Rights Specialist/Certificates
725 Summer St. NE, Ste. A
Salem, OR 97303

Phone: 503-986-0811
Fax: 503-986-0901

<http://www.wrd.state.or.us/>

-----Original Message-----

From: Gordon_Lyford@or.blm.gov [mailto:Gordon_Lyford@or.blm.gov]
Sent: Thursday, August 03, 2006 1:42 PM
To: Gerald.E.CLARK@wrd.state.or.us
Subject: Fw: T-5455

Hi Gerry-

See the question below regarding a new certificate. I thought emailing would be easier than calling.

Thanks - Gordon

----- Forwarded by Gordon Lyford/MDFO/OR/BLM/DOI on 08/03/2006 01:39 PM

"Kathy Smith"
<Kathy.A.SMITH@wr
d.state.or.us>

To

<Gordon_Lyford@or.blm.gov>

cc

08/03/2006 08:49
AM

Subject

RE: T-5455

Hi again,
I spoke with Alan and he looked up the wr and said that the transfer was approved, but it was never proven afterwards with a survey of beneficial use. You can talk to Gerry Clark in Salem about what needs to be done.
503-986-0811. Let me know if you have any other questions.
Kathy

-----Original Message-----

From: Gordon_Lyford@or.blm.gov [mailto:Gordon_Lyford@or.blm.gov]
Sent: Thursday, August 03, 2006 6:59 AM
To: Kathy.A.Smith@wrd.state.or.us; Ivan.K.GALL@wrd.state.or.us
Subject: T-5455

Hi Kathy and Ivan-

In reviewing our water right records at the Provolt Seed Orchard I was reminded of Order T-5455 granted in 1987 (special Order vol 41, pages 489 & 490). I noticed that Certificate 32822 was cancelled and a final proof map was surveyed by the Department on November 22, 1989. My question is was a new certificate ever issued? I didn't see one on the WRD web site.

Thanks - Gordon

Call 846-7296
Larry Walsh Measuring Ditch
Plan Approved
by W.M.
Laurel Hill Ditch
from Bridgeport Ditch

STATE OF OREGON
COUNTY OF JOSEPHINE
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

USDI - BLM
"PROVOLT SEED ORCHARD"
14171 WILLIAMS HIGHWAY
GRANTS PASS, OR 97527

confirms the right to use the waters of THE APPLEGATE RIVER, a tributary of THE ROGUE RIVER, for IRRIGATING 36.9 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County, entered APRIL 26, 1919, in the matter and determination of the relative rights to the use of the waters of ROGUE RIVER AND ITS TRIBUTARIES. A water right was established in the name of SAM AND NELLIE LETTEKEN, tabulated in Volume 13, Page 393, Order Record of the Water Resources Director. The date of priority is OCTOBER, 1898.

The use is limited to 0.74 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.74 cubic foot per second.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The point of diversion is located as follows:

(LAUREL HILL DITCH) SW 1/4 NE 1/4, SECTION 1, T 38 S, R 5 W,
W.M.; 125 FEET NORTH AND 500 FEET EAST FROM THE CENTER 1/4 CORNER OF
SECTION 1.

The diversion works shall be maintained to the satisfaction of the Watermaster.

A description of the place of use to which this right is appurtenant is as follows:

SE 1/4 NW 1/4 25.0 ACRES
NE 1/4 SW 1/4 11.9 ACRES
SECTION 1
TOWNSHIP 38 SOUTH, RANGE 5 WEST, W.M.

NOTE: To the extent of 9.6 acres in SE 1/4 NW 1/4 and 11.9 acres in NE 1/4 SW 1/4, said Section 1, the foregoing right is supplemental to the vested right allowed claimants' predecessor to the use of water from Williams Creek through York and Breedon Ditch, as set out in the Rogue River Decree on Page 26, Column 2, under Proof 813. The supplemental right allowed herein is limited to use on the land to which it is appurtenant in an amount not exceeding 0.02 cubic foot per second per acre for each acre irrigated during the irrigation season.

SEE NEXT PAGE

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered SEPTEMBER 28, 1987, and supersedes Certificate 32822, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF)
USDI - BLM FOR APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5455

On March 27, 1984, an application was filed in the office of the Water Resources Director by USDI - BLM for approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was established in the name of Sam and Nellie Letteken, tabulated in Volume 13, page 393, Order Record of the Water Resources Director, for use of not to exceed 0.74 cubic foot per second from Applegate River for irrigation of a certain 25.0 acres in the SE 1/4 NW 1/4 and 11.9 acres in the NE 1/4 SW 1/4, Section 1, Township 38 South, Range 5 West, WM with a date of priority of October 1898, as evidenced by the certificate recorded at page 32822, Volume 24, State Record of Water Right Certificates.

Water for the said right is diverted, through the Bridgpoint Ditch, from a point located 1075 feet North and 1660 feet East from the SE corner, being within the SW 1/4 SE 1/4 of Section 17, Township 38 South, Range 4 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to the Laurel Hill Ditch at a point located 125 feet North and 500 feet East from the center of Section 1 being with the SW 1/4 NE 1/4 Section 1, Township 38 South, Range 5 West, WM and to cancel the domestic portion of said right. The change in point of diversion is reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in the Grants Pass Daily Courier, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of April 12, 19 and 26, 1984.

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 proposed change in point of diversion is approved, without loss of priority, and the domestic portion of said right is canceled.

The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.74 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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 right to divert water from the point described in Certificate 32822 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1989.

It is FURTHER ORDERED that the certificate recorded at page 32822, Volume 24, State Record of Water Right Certificates, is canceled; 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 28th day of September, 1987.

William H. Young
WILLIAM H. YOUNG
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

0337/G
1520E

STATE OF OREGON
COUNTY OF JOSEPHINE
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

USDI - BLM
"PROVOLT SEED ORCHARD"
14171 WILLIAMS HIGHWAY
GRANTS PASS, OR 97527

confirms the right to use the waters of APPLEGATE RIVER, a tributary of ROGUE RIVER, for IRRIGATING 36.9 ACRES.

This right was confirmed by decree of the Circuit Court ~~of the State of Oregon~~ for JACKSON COUNTY, ~~County~~. The decree is of record at ~~# over~~ Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 24, at Page 32822. The date of priority is OCTOBER, 1898.

The use is limited to 0.74 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

* ~~THE USE SHALL CONFORM TO SUCH REASONABLE ROTATION SYSTEM AS MAY BE ORDERED BY THE PROPER STATE OFFICER.~~ The point of diversion is located as follows:

(LAUREL HILL DITCH) SW 1/4 NE 1/4, SECTION 1, T. 38 S., R. 5 W., W.M.; 125 FEET NORTH AND 500 FEET EAST FROM THE CENTER CORNER OF SECTION 1.

A description of the place of use to which this right is appurtenant is as follows:

| | |
|---------------------------------------|------------|
| SE 1/4 NW 1/4 | 25.0 ACRES |
| NE 1/4 SW 1/4 | 11.9 ACRES |
| SECTION 1 | |
| TOWNSHIP 38 SOUTH, RANGE 5 WEST, W.M. | |

(Note. To the extent of 9.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 11.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Sec. 1, the foregoing right is supplemental to the vested right allowed claimants' predecessor to the use of water from Williams Creek through York and Breedon Ditch, as set out in the Rogue River Decree on Page 26, Column 2, under Proof 813. The supplemental right allowed herein is limited to use on the land to which it is appurtenant in an amount not exceeding 0.02 cubic foot per second for each acre irrigated during the irrigation season, and the quantity used from all sources shall not exceed 0.02 cubic foot per second per acre for each acre irrigated during the irrigation season.)

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered SEPTEMBER 28, 1987, and supersedes Certificate 32822, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

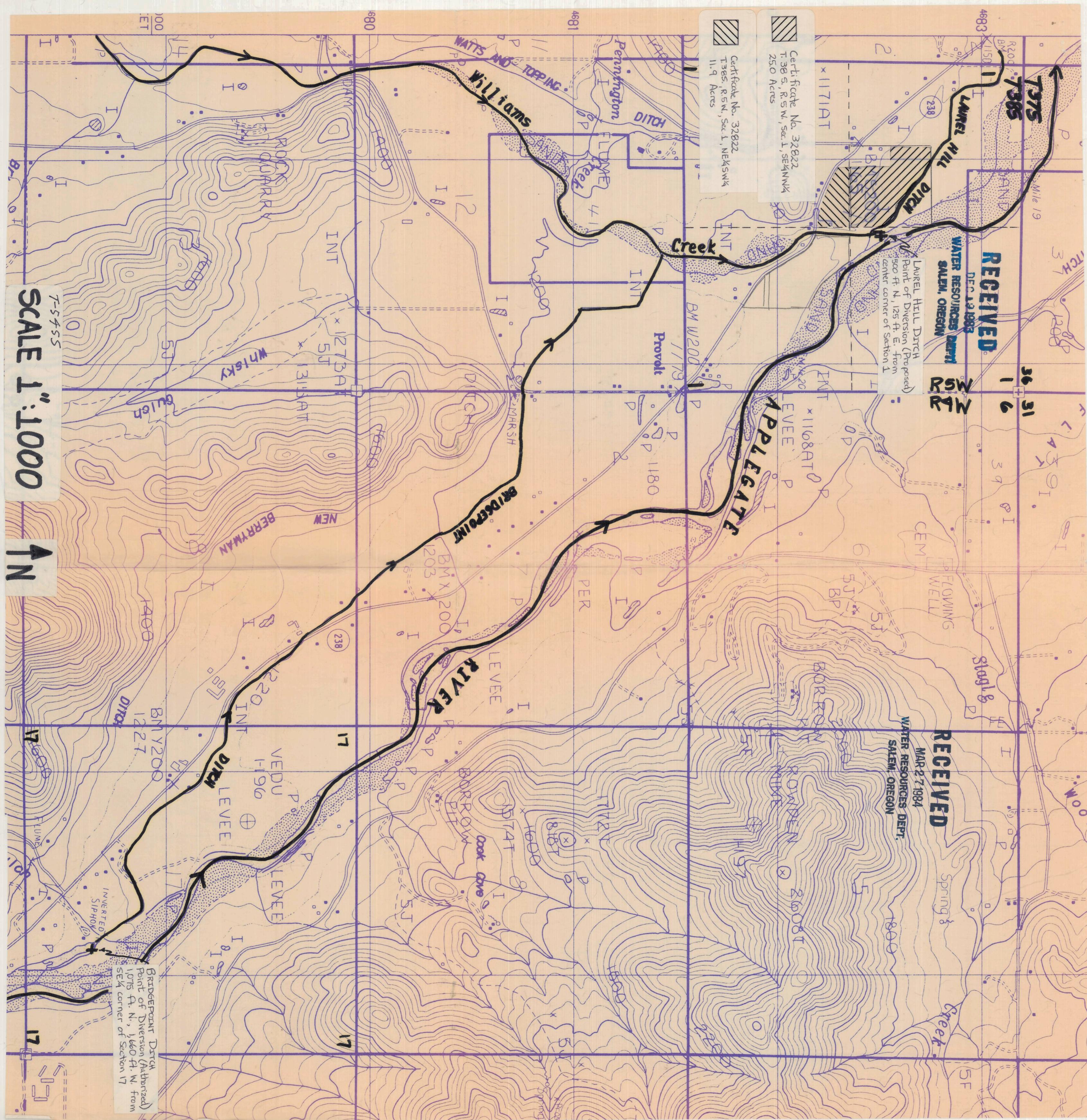
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

T-5455.LMJ.



* ENTERED APRIL 26, 1919, IN THE MATTER AND DETERMINATION OF THE RELATIVE
RIGHTS TO THE USE OF THE WATERS OF ROGUE RIVER AND ITS TRIBUTARIES;
A WATER RIGHT WAS ESTABLISHED IN THE NAME OF SAM AND NELLIE LITTLE KEN,
TABULATED IN VOLUME 13, PAGE 393, ORDER RECORD OF THE WATER RESOURCES
DIRECTOR.

| | | |
|--|-----|--------------------------|
| 25 | 112 | Decree, V Findings, X |
| 65 | — | Decree, V Findings, X |
| —51— | — | Decree, V Findings, X |
| —154— | — | Decree, V Findings, X |
| 12 | — | Decree, V Findings, X |
| 18 ¹ | — | Decree, V Findings, X |
| 4 ² | 3 | Decree, V Findings, X |
| 9 ² | — | Decree, V Findings, X |
| 20 | — | Decree, V Findings, X |
| 296 ³ | — | Decree, V Findings, X |
| GR-20 | — | Decree, V Findings, X |
| (SEE BACK OF CARD FOR PLAT OF SECTION) | | |



Top. 38S R. 4W W.M.

T-5793

RECEIVED RECEIVED

MAY 06 1986

APR 17 1986

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 1986

WATER RESOURCES DEPT
SALEM, OREGON

NORTH

1" = 30'

North 00°08' West

South 185.0'

INTERIOR ELL CORNER

DLC #38

CENTERLINE OF PIPELINE
AND CENTERLINE OF 2.00' EASEMENT

PROPOSED
POINT
OF
DIVERSION

TOP
WEST 410'
BANK
APPLEGATE RIVER

27°52' E 66.1'

17°14' N 22°2'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
ROGER R. ROBERTS
1656

Roger Roberts

HOFFBUEHR & ASSOC. INC.
219 NORTH OAKDALE
MEDFORD, OREGON

APRIL 11, 1986

1-5455

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That SAM and NELLIE LETTEKEN,

of Provolt
to the use of the waters of Applegate River

, State of Oregon , has a right

a tributary of Rogue River
domestic and irrigation of 36.9 acres
for the purpose of
and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Jackson County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 16 , at page 523 ; that the priority of the right thereby
confirmed dates from October, 1898;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 0.74 cubic foot per
second.

A P.O.D. - 11

The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$. Section 17, T. 38 S., R. 4 W., W.M.

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

Given
15.4 Vested
16.9 supplemental
25.0 acres in that part of SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 25.0
lying South of the Applegate River
11.9 acres in that part of NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 11.9
lying North of the highway
Section 1.
T. 38 S., R. 5 W., W.M.

RECEIVED

JUN 6 1980

WM. DIST. 14
GRANTS PASS, ORE.

(Note. To the extent of 9.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 11.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, said
Section 1, the foregoing right is supplemental to the vested right allowed
claimants' predecessor to the use of water from Williams Creek through York
and Breedon Ditch, as set out in the Rogue River Decree on Page 26, Column 2,
under Proof 813. The supplemental right allowed herein is limited to use on
the land to which it is appurtenant in an amount not exceeding 0.02 cubic foot
per second for each acre irrigated during the irrigation season, and the
quantity used from all sources shall not exceed 0.02 cubic foot per second per
acre for each acre irrigated during the irrigation season.)

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

WITNESS the signature of the State Engineer, affixed

this date January 5 , 1966 .

CHRIS L. WHEELER

State Engineer

328-3
Letteken, Sam and
Nellie Provolt,
(See Findings,
Paragraph 127)

Beginning at a point 639 feet North of the half mile corner on the West line of Sec. 1, Tp. 38 S., R. 5 W.W.M., and running thence North 896 feet to the center of the county road; thence South 41° East 807 feet up the center of said county road; thence South 62° 13' West to the place of beginning, containing 6 acres of land, more or less.

328-3
Letteken, Sam and
Nellie Provolt,
(See Findings,
Paragraph 128)

Beginning at a point 639 feet North of the half mile corner on the West line of Sec. 1, Tp. 38 S., R. 5 W.W.M., and running thence North 896 feet to the center of the county road; thence South 41° East 807 feet up the center of said county road; thence South 62° 13' West to the place of beginning, containing 6 acres of land, more or less.

328-3
Planelp, Ralph W.
Murphy, Oregon
(See Findings,
Paragraph 129)

Beginning at a point 639 feet North of the half mile corner on the West line of Sec. 1, Tp. 38 S., R. 5 W.W.M., and running thence North 896 feet to the center of the county road; thence South 41° East 807 feet up the center of said county road; thence South 62° 13' West to the place of beginning, containing 6 acres of land, more or less.

328-3
Loesch, L. R.
Central Point,
Oregon
(See Findings,
Paragraph 130)

Beginning at a point 639 feet North of the half mile corner on the West line of Sec. 1, Tp. 38 S., R. 5 W.W.M., and running thence North 896 feet to the center of the county road; thence South 41° East 807 feet up the center of said county road; thence South 62° 13' West to the place of beginning, containing 6 acres of land, more or less.

AUG 25 1987

WATER RESOURCES DEPT.
SALEM, OREGON

IN REPLY REFER TO:



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

7250
OR110
1594L

MEDFORD DISTRICT OFFICE
3040 Biddle Road
Medford, Oregon 97504

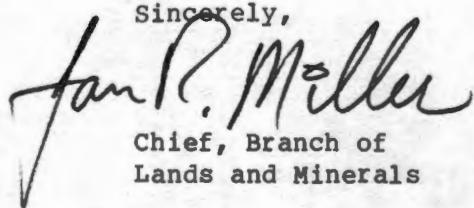
AUG 24 1987

Water Resources Department
3850 Portland Road NE
Salem, Oregon 97310

Dear Sirs:

Attached please find transfer application T-5455 and the affidavit of
abandonment for domestic use water.

Sincerely,



Chief, Branch of
Lands and Minerals

RECEIVED

MAR 27 1984

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

DEC 18 1983

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

RECEIVED

To the WATER RESOURCES DIRECTOR OF OREGON:

AUG 25 1987

I, U.S. Department of the Interior, Bureau of Land Management
(Name of applicant)

WATER RESOURCES DEPT.
SALEM, OREGON

of 3040 Biddle Road Medford
(Mailing address) (City)

State of Oregon 97504 776-4174, 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. Sam and Nellie Letteken

(If not, give name)

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

(Yes or No)

Findings
Rogue River inchoate rights V13, p393 number of certificate 32822

3. Was your water right acquired by Water Right Permit? N/A 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 Applegate River

5. What is the date of priority of your water right? 1898 Oct

6. The authorized point of diversion is located 1,075 ft. N. and 1,660 ft. W. from the SE $\frac{1}{4}$
(N. or S.) (E. or W.)

corner of Section 17 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17 Tp. 38 S. R. 4 W. W. M.,
(No. N. or S.) (No. E. or W.)

in the county of Jackson The name of the ditch used is Bridgepoint Ditch

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

per 1/4 of 2-11-85

7. The proposed point of diversion is located 125 ft. N. and 500 ft. E. from the center
(N. or S.) (E. or W.)

corner of Section 1 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1 Tp. 38 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 Laurel Hill Ditch

RECEIVED

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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section | Number Acres Irrigated |
|----------------------------|---|---------|---|------------------------|
| 38 S. | 5 W. | 1 | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 25.0 15.4 Suppl. |
| | | | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 11.9 9.6 Suppl. |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

(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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section | Number Acres To Be Irrigated |
|----------------------------|---|---------|---|------------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

(If more space required, attach separate sheet)



14. Reasons for the proposed changes are to change the method of irrigation from flood to sprinkler.

15. Construction work will be completed on or before September 30, 1984

16. The water will be completely applied to the proposed use on or before July 1, 1985

Remarks

NOTE: THIS APPLICATION MUST BE ACCCOMPANIED 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, Hugh R. Sheran, 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 13th day of December, 1983.

HUGH R. SHERA - B.L.M.
District Manager (Name of applicant)

Subscribed and sworn to before me this 13th day of December, 1983.

J. Brack

NOTARY PUBLIC FOR OREGON

My commission expires 5-14-86



RECEIVED

AUG 25 1987

WATER RESOURCES DEPT.
SALEM, OREGON

AFFIDAVIT

I, David A. Jones, District Manager, U.S. Department of the Interior, Bureau of Land Management of 3040 Biddle Road, Medford, OR 97504, being first duly sworn, depose and say that I am the owner of a water right and the land to which it is appurtenant, which is for the use of water from the Applegate River for domestic use under a priority date if 1898, being a portion of the right described by the certificate recorded at page 32822, Volume 24, State Record of Water Right Certificates in the name of Sam and Nellie Letteken, that I have abandoned any and all interest in and to said water right and request the same be canceled.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of August, 1987.

David A. Jones

Subscribed and sworn to before me this 21st day of August, 1987.

Bruce H. McGarvey
Notary Public for Oregon

My Commission Expires: 3/15/88





NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

May 10, 1988

U.S. Dept. of Interior/B.L.M.
3040 Biddle Rd.
Medford, OR 97504

REFERENCE: File T-5455

Your Notice of Completion of Water Right Transfer 5455, for a change in point of diversion of water from Applegate River, has been received.

A survey will be made at a later date, and a certificate of water right issued covering the actual use of water. In case of irrigation, any lands described in the order that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the order will be evidence of the water right in question as long as the authorized beneficial use of water is continued.

If additional information is needed, please contact the Survey/Certificate Section at 378-3739.

cc: Charles A. Sprague Seed Orchard

RECEIVED

NOTICE OF COMPLETION OF CHANGE IN

NOV 12 1987

place of use of water

point of diversion of water

use heretofore made of water

WATER RESOURCES DEPT.
SALEM, OREGON

Under the Terms of TRANSFER APPLICATION T-5455

I, NABIL S. ATALLA, USED the water as provided by the
(print name)

order of the Water Resources Director approving said water right transfer application
BY October 1, 1989

Description of the land on which I use water: 25.0 Acres in the SE 1/4 NW 1/4 and 11.9 acres
in the NE 1/4 SW 1/4, Section 1, Township 38 South, Range 5 west, W.M.
11/9/1987

(date)

(signature)

Nabil S. Atalla
(Orchard Manager)

14171 Williams Hwy

Grant Pass, OR 97527

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

9163A



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8453

October 7, 1987

U.S. Department of the Interior,
Bureau of Land Management
3040 Biddle Road
Medford, OR 97504

Attention: Jan Miller

Dear Mr. Miller:

REFERENCE: File T-5455

Enclosed is a copy of the order approving your water right transfer application.

A time to complete the transfer is given in the order. A form for reporting completion is enclosed for your convenience.

YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

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.

If you require a certified copy of this order for business purposes, one will be sent upon request.

A survey will be made after the completion date to determine the actual amount of water used.

Sincerely,

LARRY W. JEBOUSEK
Manager
Transfer Section

LWJ:lgc

Enclosure

cc: Robert B. Steimer, Watermaster, District 14

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF)
USDI - BLM FOR APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5455

On March 27, 1984, an application was filed in the office of the Water Resources Director by USDI - BLM for approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was established in the name of Sam and Nellie Letteken, tabulated in Volume 13, page 393, Order Record of the Water Resources Director, for use of not to exceed 0.74 cubic foot per second from Applegate River for irrigation of a certain 25.0 acres in the SE 1/4 NW 1/4 and 11.9 acres in the NE 1/4 SW 1/4, Section 1, Township 38 South, Range 5 West, WM with a date of priority of October 1898, as evidenced by the certificate recorded at page 32822, Volume 24, State Record of Water Right Certificates.

Water for the said right is diverted, through the Bridegpoint Ditch, from a point located 1075 feet North and 1660 feet East from the SE corner, being within the SW 1/4 SE 1/4 of Section 17, Township 38 South, Range 4 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to the Laurel Hill Ditch at a point located 125 feet North and 500 feet East from the center of Section 1 being with the SW 1/4 NE 1/4 Section 1, Township 38 South, Range 5 West, WM and to cancel the domestic portion of said right. The change in point of diversion is reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in the Grants Pass Daily Courier, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of April 12, 19 and 26, 1984.

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 proposed change in point of diversion is approved, without loss of priority, and the domestic portion of said right is canceled.

The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.74 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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 right to divert water from the point described in Certificate 32822 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1989.

It is FURTHER ORDERED that the certificate recorded at page 32822, Volume 24, State Record of Water Right Certificates, is canceled; 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 28th day of September, 1987.

William H. Young
WILLIAM H. YOUNG
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

0337/G
1520E



STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

JUN 22 1987

TO: TRANSFER SECTION, WATER RIGHTS DIVISION

DATE: June 17, 1987

WATER RESOURCES DEPT
SALEM, OREGON

FROM: WATERMASTER, DISTRICT NO. 14

(signature) Robert B. Steiner

SUBJECT: Water Right Transfer Application T-5455 for change in POU Use of water

In the name(s) of U.S. Department of the Interior, Bureau of Land Management

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

MAY BE MADE WITHOUT INJURY ~~XXXXXXXXXXXXXX~~* 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 ~~XXXXXX~~ 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? yes
(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:

X (1) PRIOR to the diverting of water at the new point of diversion ... RECEIVED
 (2) WHEN IN the judgment of the watermaster it becomes necessary

The Laurel Hill Ditch Company has been instructed to install a weir and headgate. This is part of that system. 833

JUN 17 1987

WM. DIST. 14
GRANTS PASS, ORE.

The enclosed copy of the transfer application and map(s) is for your records.



Contains
Recycled
Materials

01-125-1987

SP-75683-125



NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8453

August 11, 1987

U.S. Department of the Interior,
Bureau of Land Management
3040 Biddle Road
Medford, OR 97504

Attention: Jan Miller

Dear Mr. Miller:

REFERENCE: File T-5455

As discussed with you in our telephone conversation on August 10, 1987, I am returning transfer application T-5455 for completion.

Certificate 32822 includes domestic as a use. If the domestic use is still being made, it should be included in Item #8. If the domestic use is no longer being made, the enclosed draft affidavit of abandonment should be properly completed and returned to this office with the transfer form.

The transfer will be approved when this is completed.

Sincerely,

LARRY W. JEBOUSEK
Manager
Applications and Permits Section

LWJ:lgc

Enclosures

cc: Bruce Sund, Watermaster, District 13

BOB STEIMER

JUNE 16, 1987

SAM ALLISON

T-5455, BLM

I don't find a Watermaster report in here. Apparently we were going to wait to see if the protest was withdrawn.

Now that Laurel Hill Ditch Company has withdrawn their protest, attached is the report form and copies of the application and maps.

Attachments

0438E



NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

June 15, 1987

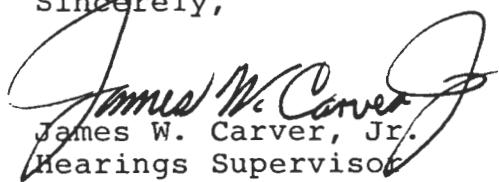
Martha Heisner, Secretary
Laurel Hill Ditch Company
9600 Williams Highway
Grants Pass, OR 97527

REFERENCE: Water Right Transfer Application 5455

Dear Ms. Heisner:

This will acknowledge receipt of your letter dated June 9, 1987, withdrawing the protest by Laurel Hill Ditch Company against approval of water right transfer Application 5455 in the name of U.S. Department of the Interior, Bureau of Land Management. Thank you.

Sincerely,



James W. Carver, Jr.
Hearings Supervisor

cc: Bureau of Land Management
Robert Steimer, Watermaster, District 14

9600 Williams Hwy
Grants Pass, Ore.
June 9, 1987

RECEIVED

JUN 10 1987

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Dept
3850 Portland Road N.E.
Salem, Ore. 97310

Gentlemen:

Reference - Transfer Application 5455, B.L.M.
File 4-5455

The Laurel Hill Ditch Corp and Bureau of
Land Management have come to an
agreement and the matter is settled.

Very truly yours
Arthur Husner
Sec. for Laurel Hill
Ditch Co.

March 12, 1987

Don H. Jackson
Laurel Hill Ditch Company
9600 Williams Highway
Grants Pass, OR 97527

Dear Mr. Jackson:

REFERENCE: File T-5455, BLM Water Right Transfer

On November 27, 1986, I got a note from Don Hicks, BLM, that he was going to meet with the ditch company in December and try to reach an agreement on this transfer application.

I have yet to hear from him. Please let me know if you did reach an agreement, or if you expect to do so in the near future.

Otherwise, we should probably schedule a hearing to resolve the matter.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SR Aswpc

cc: Robert B. Steimer, Watermaster, District 14
Donald T. Hicks, Provost Orehand Manager, BLM
Robert F. and Nola M. Ettner
9193D

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RECEIVED

SHORT NOTE TRANSMITTERAL RESOURCES DEPT.

SALEM, OREGON

Nov. 26, 1986

(Date)

TO : Samuel R. Allison
FROM : Don Hicks, Provolt Orchard Manager
SUBJECT: Reference file T-5455.

I have scheduled another meeting with the members of the Laurel Hill Ditch Company for the week of December 8-12, 1986, to try and finish the negotiations.

I'm not sure what the outcome will be, but Mr. Jackson indicated today that he thought we're pretty close to reaching agreement. I'll follow-up with a memo after the meeting. In the interim, please keep file #5455 open. Your patience is appreciated.

Thanks,
Don Hicks

Note: Return this form when action is completed or attach it to data requested

378-3066

October 29, 1986

Donald T. Hicks
Provolt Orchard Manager
U.S. Department of the Interior
Bureau of Land Management
3040 Biddle Road
Medford, OR 97504

Dear Mr. Hicks:

REFERENCE: File T-5455

It has been over 90 days from the date of our last correspondence.

Please advise me how negotiations are progressing with Laurel Hill Ditch Company on this proposed change in point of diversion of water from the Bridgepoint Ditch to the Laurel Hill Ditch.

Sincerely,

SAMUEL R. ALLISON
Transfer Section

SRA:rwpe

cc: Robert B. Steiner, Watermaster, District 14
Don H. Jackson, Laurel Hill Ditch Company

7247D



IN REPLY REFER TO

5730
Provolt

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

MEDFORD DISTRICT OFFICE
3040 Biddle Road
Medford, Oregon 97504

RECEIVED

JUN 9 1986

WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Department
ATTENTION: Samuel Allison, Supervisor
Transfer Section
3850 Portland Road, NE
Salem, Oregon 97310

JUN - 6 1986

REFERENCE: File T-5455

Dear Mr. Allison:

A meeting was held with representatives of the Laurel Hill Ditch Company and the Bureau of Land Management on May 1, 1986 to continue to seek a resolution to the protest. The meeting was productive and the parties are continuing to seek a working solution to the protested water rights transfer. Please keep the File T-5455 open for another 90 days as the parties are actively trying to settle the issue. I spoke with Mr. Don Jackson of the Laurel Hill Ditch Company on Tuesday, June 3, 1986 and suggested that the process be accelerated to reach a settlement. He concurred with keeping the negotiations moving and he agreed that 90 days would be a reasonable period to reach a settlement. Please notify the Bureau of Land Management if your office cannot accommodate the parties request for additional time prior to setting a date for a hearing. Your cooperation in this matter is greatly appreciated.

Sincerely,

Donald T. Hicks

Donald T. Hicks
Provolt Orchard Manager

cc: Robert B. Steimer Watermaster, District 14
Laurel Hill Ditch Company

May 21, 1986.

Donald T. Hicks
Provost Orchard Manager
Bureau of Land Management
3040 Biddle Road
Medford, OR 97504

Dear Mr. Hicks:

REFERENCE: File T-5455

On March 27, 1986, I received copies of two proposed agreements between BLM and Laurel Hill Ditch Company, from the ditch company.

One proposal was drafted by BLM, the other was drafted by the ditch company.

I haven't received anything since that time to indicate whether the problem has been solved.

If an agreement has been reached, please advise. Otherwise, a date for a hearing should be scheduled.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRAwpc

cc: Robert B. Steinmer, Watermaster, District 14
Laurel Hill Ditch Company

4753D

Laurel Hill Ditch Company
9600 Williams Hwy
Grants Pass, Or. 97527

RECEIVED

MAR 27 1986

WATER RESOURCES DEPT
March 26, 1986 SALEM, OREGON

Mr. Samuel R. Allison, Supervisor
Water Resources Department
3850 Portland Road NE
Salem, Oregon 97310

Dear Mr. Allison:

Thank you for your letter of March 19th. I am enclosing two agreements. One that the Bureau of Land Management wanted us to sign and one by our attorney, Don Coulter, as he refers to as a rough draft, which we are willing to sign.

We would like to review the problem as we see it. In the beginning, before they bought the property, the BLM did not consult us about using our ditch as a source of irrigation.

If you check the existing water-rights on their property, you will find them to be weak and not near the quality of rights that exist now on our ditch. We are just average people and operate on an honor system and do not have a ditch walker. They are the first ones on the ditch so will get water whether the rest do or not.

We paid Mr. Coulter \$350.00 to draw up the rough draft and we feel it is fair. We have also put in many hours trying to reach an agreement with these people.

The only benefit they could be to us is by giving us a right-of-way on the East side of Williams Creek so when it is necessary to truck material to the Applegate River to divert water into our ditch we would not have to ford Williams Creek as we do now. But we have crossed Williams Creek in this manner for years and can continue if necessary.

I believe they still have the right to change their point of diversion to the Applegate River where they own several hundred feet of frontage.

We have a 50 foot right-of-way through their property for our ditch and on this right-of-way they have built an expensive elaborate fence. This prevents us from using a small cat along the bank to control blackberries and other growth as we have done in the past. Now this bank will have to be cleaned with hand tools or a weedeater.

We have given them a copy of our Rough Draft and have not heard anything from them since. We realize they paid three or four times what the property was worth in the beginning and have installed a very expensive elaborate irrigation system, but we do not feel we should suffer for their extravagant ways and mistakes. If they are not willing to sign our Rough Draft, we will do our best to keep them from using our ditch.

Sincerely,



Don H. Jackson, Laurel Hill Ditch Brd Mbr.

CC: Bob Steiner
James W. Carver, Jr.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Medford District Office
3040 Biddle Road
Medford, Oregon 97504

RECEIVED

MAR 27 1986

WATER RESOURCES DEPT
SALEM, OREGON

Your Ref: 85-27

RIGHTS-OF-WAY

Section A

1. There is hereby granted, pursuant to Title V of the Federal Land Policy and Management Act of 1976 (43 USC 1761-1771, as amended), a nonexclusive, nonpossessory right-of-way to:

Laurel Hill Ditch Company
9600 Williams Highway
Grants Pass, Oregon 97526

In case of change of address, the holder shall immediately notify the authorized officer.

2. To use, subject to terms and conditions set out below, the following described Public Land:

T. 38 S., R. 5 W., W.M., Josephine County, Oregon
Section 1: SE 1/4 NW 1/4, NW 1/4 SE 1/4

3. Description of the rights-of-way facility and purpose:

The right-of-way is for the use of a road for access to the holder's property in Section 1, T. 38 S., R. 5 W., W.M. The right-of-way is 20 feet wide and 1,570 feet in length and contains 0.72 acres, more or less.

A map showing the location of the rights-of-way over the above described public land is attached hereto as Exhibit "A."

OR-110-2810-26 (August 1984)

4

TERMS AND CONDITIONS

Section B

1. The rights-of-way holder agrees to comply with all the applicable regulations contained in 43 CFR 2800.
2. If the rights-of-way holder violates any of the terms and conditions to this grant, the authorized officer, after giving written notice, may declare the grant terminated.
3. This grant is subject to all valid rights existing on the effective date of this grant.
4. There is reserved to the authorized officer the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
5. The rights-of-way shall be relinquished to the United States if the authorized uses are no longer needed.
6. All other terms and conditions. Compliance will be in accordance with the terms and conditions as specified herein and in Exhibit "B," attached hereto and made a part hereof.
7. This rights-of-way grant is perpetual, unless it is relinquished, abandoned, terminated, or otherwise modified pursuant to the terms and conditions of this grant or of any applicable Federal law or regulation.

Section C

The effective date of this rights-of-way grant is the date of execution by the authorized officer.

The undersigned agrees to the terms and conditions of this rights-of-way grant:

The rights-of-way grant is executed this _____ day of _____, 198____.

(Name)

(Authorized Officer)

(Date)

(Title)

OR-110-2810-26 (August 1984)

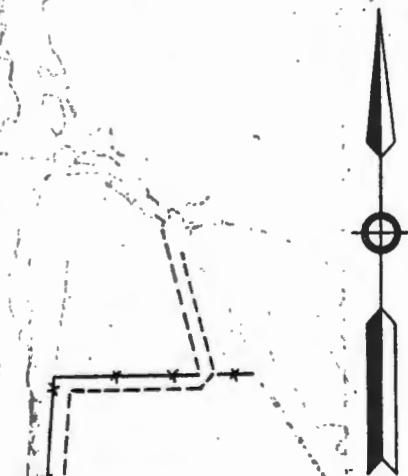
OR 38471

SECTION I T-38-S R-5-W W.M
JOSEPHINE COUNTY

0 200 400
SCALE IN FEET

Exhibit A

USDI-BUREAU OF LAND MANAGEMENT
PROVOLT SEED ORCHARD
14171 WILLAMS HIGHWAY
GRANTS PASS, OREGON 97527



PROPOSED ACCESS ROUTE
LAUREL HILL DITCH CO.

—*— FENCE

—·— ACCESS ROUTE

OTHER TERMS AND CONDITIONS

1. The Holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e. insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations under this grant. The Holder shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc. to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e. December 1, 1979, deadline for a fiscal year 1981 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant.
2. The Holder shall indemnify the United States against any liability for damages to life or property arising from the occupancy or use of public lands under this grant.
3. Holder shall be fully liable to the United States for any damage or injury incurred by the United States in connection with the use and occupancy of the right-of-way by a Holder. Holder shall be held liable for any activity within a right-of-way or permit area which the Authorized Officer determines presents a foreseeable hazard or risk of damage or injury to the United States. The Holder or its subcontractors will be held liable as a result of injury, loss of life, or damage to property in connection with construction, operation, maintenance, or termination of right-of-way grant. Strict liability is not imposed for damage or injury resulting primarily from an act of war or the negligence of the United States. To the extent consistent with other laws, strict liability shall extend to costs incurred by the United States for control and abatement of conditions, such as fire or oil spills, which threaten lives, property, or the environment, regardless of whether the threat occurs on areas that are under Federal jurisdiction. The maximum limitation shall not exceed \$1,000,000 for any one event, and any liability in excess of such amount shall be determined by the ordinary rules of negligence of the jurisdiction in which the damage or injury occurred.

In any case where strict liability is imposed and the damage or injury was caused by a third party, the rules of subrogation shall apply in accordance with the laws of the jurisdiction in which the damage or injury occurred.

Holder shall be fully liable for injuries or damages to third parties resulting from Holders' activities or facilities on lands under Federal jurisdiction in which the damage or injury occurred.

Holder shall fully indemnify or hold harmless the United States for liability, damage, or claims arising in connection with the holder's use and occupancy of the rights-of-way.

All owners of any interest in, and all affiliates or subsidiaries of Holder except for corporate stockholders, shall be jointly and severally liable to the United States in the event that a claim cannot be satisfied by the Holder.

The provision in the section for a remedy is not intended to limit or exclude any other remedy.

4. The Holder shall protect existing roads, fences, ditches and like improvements during construction, operation, maintenance, and termination of the system. The Holder shall not obstruct any road without the prior approval of the Authorized Officer. Damage caused by the Holder to public utilities and improvements shall be promptly repaired by the Holder to a condition which is satisfactory to the Authorized Officer.
5. All disturbed areas resulting from the Holder's construction, use, maintenance, or termination of this right-of-way shall be restored according to the Authorized Officer's instructions.
6. Failure of the holder to use the right-of-way for the purpose for which it was granted for any continuous five year period shall constitute a rebuttable presumption of abandonment of that right-of-way.

I. Purpose and Need for Action

Laurel Hill Ditch Company has submitted an application, OR 38471, requesting authorization for the use of an existing road on the following land:

T. 38 S., R. 5 W., W.M., Josephine County, Oregon
Section 1: SE 1/4 NW 1/4, NW 1/4 SE 1/4

The road provides access from State Highway 238 to property owned by the Ditch Company on the Applegate River. The intake structure for the company's irrigation ditch is located on this property.

II. Proposed Action

The proposed action is to authorize, via a Title V Right-of-Way Grant, the use of an existing road 20 feet wide and 1,570 feet in length.

III. Environmental Consequences

An environmental assessment was not prepared for this action, as directed by 516 DM 5.4B(29).

There are no known cultural or archeological values, threatened or endangered species of plants or animals affected by the proposed action.

The subject lands are not within an Area of Critical Environmental Concern, Wilderness Study Area, prime or unique farmland, floodplain or wetlands area that would be affected by the proposed action.

IV. Relationship of Proposed Action to Land Use Planning

The affected lands are within the Grants Pass Resource Area. The Provolt Seed Orchard is not covered by a land use plan. The action is consistent and compatible with the operation of the orchard.

V. Land Status

The subject lands were acquired by the United States for the production of seeds.

VI. Recommendation/Rationale

It is recommended that the right-of-way be granted as requested by the applicant.

Granting the right-of-way would be consistent with the management objectives of the seed orchard.

The Laurel Hill Ditch Company supplies irrigation water to the Provolt Seed Orchard, which the Bureau of Land Management operates, for the production of seeds from superior stock.

In effect, the Bureau of Land Management is a member of the Ditch Company. It is to BLM's advantage to grant this right-of-way to the Ditch Company, a non-profit organization, formed to supply members irrigation water.

Therefore, they should not be charged for cost reimbursement, monitoring fees, or annual payment.

RECEIVED

(Rough draft)

MAR 27 1986

WATER RESOURCES DEPT
SALEM, OREGON

AGREEMENT

THIS AGREEMENT, made in multiple originals at Medford, Oregon on this _____ day of _____, 1986, by and between the UNITED STATES OF AMERICA, acting by and through the Medford District Office of the Bureau of Land Management of the Department of Interior, Medford, Oregon 97504, hereinafter styled "GOVERNMENT", the party of the first part, and LAUREL HILL DITCH CO., an Oregon corporation, organized and existing for the purpose of providing facilities and services for distribution of irrigation waters to its constituent members, and for the benefit of the lands of such members, and whose present address of record is 9600 Williams Highway, Grants Pass, Oregon 97526, hereinafter styled "LAUREL HILL,"

WITNESSETH:

THAT Laurel Hill has been in ~~existing~~ ^{existence} and operating for many years as a form of cooperative corporation providing irrigation services and facilities to its members in Josephine and Jackson Counties, Oregon; its existence as such being judicially noticed of record in the Decree dated April 26, 1919 in those proceedings in the circuit court of the State of Oregon for Jackson county styled In the Matter of the

Determination of the Relative Rights to the Waters of
Rogue River and Its Tributaries; and,

WHEREAS, for many years prior hereto, in connection
with the above functions, Laurel Hill has maintained an
intake structure, and allied facilities for its ditch
operations within portions of Section 1, Township 38
South, Range 5 West, W.M., Josephine County, Oregon,
the record title to which now reposes, by purchase in
Government; and,

WHEREAS, Laurel Hill is the owner of an access
right of way within said portions of Section 1, now
owned by the Government, which right of way is approximately
1,570 in length, embraces about 0.72 of an acre, and
generally extends from its junction with the Williams
westerly of Williams Creek and
Highway (State Highway No. 238), northerly to the vicinity
of the intake structure of Laurel Hill; and,

WHEREAS, Laurel Hill is the owner of record of
a tract of land, approximating 20 acres in said Section
1, which abuts the said portions of the Government's
ownership, immediately to the east thereof; and which
20 acre tract is further identified as Tax Lot 1100 by the
Assessor of Josephine County, Oregon; and,

WHEREAS, Laurel Hill is desirous of securing a
permanent access of record from Williams Highway to
Tax Lot 1100 on the easterly side of Williams Creek; and,

WHEREAS, prior hereto the Government purchased from private parties, for the purpose of installing and operating a seed orchard, portions of said Section 1, and which, for the purposes of this agreement embrace areas in,

the Southeast quarter of the Northwest quarter; the Northwest quarter of the Southeast quarter; and the Northeast quarter of the Southwest quarter;

being formerly identified as Tax Lots 800 and 1400 by the Assessor of Josephine County, Oregon; and,

WHEREAS, when Government bought said lands it acquired the water rights appurtenant thereto, all of which were serviced, as a matter of record, out of the Bridgepoint Ditch (aforesaid Decree, p. 47) and, *and embrace an area of use of 36.9 acres}*

WHEREAS, it has been, and now is, essential for the Government, in the operation of its said seed orchard, to have an adequate ^{2nd permanent} supply of irrigation water in dry seasons of the year, and it is not now practical or possible for Government to fill this need out of its allotment of record out of Bridgepoint Ditch; and

WHEREAS, the Government previously filed an application with the Water Resources Department of the State of Oregon (Application 5455) seeking a change in point of diversion from Bridgepoint Ditch to Laurel Hill Ditch; which application was duly protested by Laurel Hill, and such protest remains unresolved; and,

WHEREAS, the parties now believe that they can resolve their differing positions and interests by mutual agreement, and therefore intend this instrument as a binding, full and complete settlement thereof;

NOW THEREFORE, in consideration of the foregoing, and of the mutual covenants herein exchanged, IT IS AGREED by and between the parties as follows:

1. Promptly hereafter, Laurel Hill will withdraw its aforesaid Protest with the Water Resources Department, to enable Government to change its point of diversion as requested in said Application 5455.
2. As soon as the point of diversion change is allowed, Government intends to purchase, on a permanent basis, 60 acre-feet of water as stored in the Applegate Reservoir. If such a purchase is not completed within a reasonable time, then the purposes of this agreement become frustrated, and in such event, mutually terminated by failure of condition precedent.
3. If the Government arranges the water purchase as aforesaid, the water rights which are now accessory of record to its said seed orchard lands are to be transferred unconditionally to Laurel Hill.
4. With respect to irrigation water usage and application on the land employed by Government for said

seed orchard, it is specifically agreed:

- a. Government may have access to its irrigation water out of the ditch and facilities of Laurel Hill as the same presently exist in said Section 1. The use contemplates a cooperation between the parties so that all water rights which are being serviced by and through Laurel Hill facilities will be fairly and equitably treated.
- b. Government agrees to pay its pro rata share of the operating and maintenance costs of Laurel Hill, by paying annual/assessments as determined by Laurel Hill. In the event Government shall expend labor or materials on the facilities of Laurel Hill, it shall be entitled to credit against the assessments for the reasonable value thereof; provided, however, that before Government does any such work or labor for which it will claim such credit against assessments, the work must be first approved by Laurel Hill.
- c. The water applied by Government to its seed orchard lands will not be done otherwise than by standard sprinkling equipment and methods, to derive maximum beneficial use of the waters.
- d. The water applied by Government to its seed

orchard lands will not exceed the total of the amount allotted of record, as per paragraph 3 above, plus the amount of water purchased, as per paragraph 2 above.

5. Laurel Hill acquired the above referenced Tax Lot 1100 in connection with its irrigation facilities and services. It does not have an access way of record. The Applegate River approximately bisects this tract. It is frequently necessary for Laurel Hill in the administration of its irrigation duties, to erect temporary dams and structures to divert waters in order to capture the record allotment of water rights to service its owners and patrons. A material inducement to Laurel Hill to make the above arrangements with Government, is the acquisition of a permanent, indefeasible right of way, easterly ~~northerly~~ of the course of Williams Creek in said Section 1, to provide this needed appurtenance to Tax Lot 1100. Therefore, it is further agreed that promptly hereafter, Government will provide a permanent, non-exclusive right of way to Laurel Hill for such access, with the conditions therefor to comply with the present regulations of the Josephine County Planning Office. The right of way is to extend from Williams Highway to Tax Lot 1100. The

course thereof shall be mutually agreed upon by the parties, but in general, it shall follow close to the course of Williams Creek. The southern terminus of such right of way shall be at a point mutually selected by the parties, and which shall meet with the approval of the Oregon Transportation Department, which regulates access points to state highways.

6. This instrument contains the entire agreement of the parties. Nothing contained herein is intended to prescribe an exclusive remedy or remedies. This document shall be acknowledged in such fashion as to make it recordable in the Official Records of Josephine County, Oregon, and it is intended that it will be so recorded promptly upon its execution.

BUREAU OF LAND MANAGEMENT
UNITED STATES DEPARTMENT OF INTERIOR

By: _____
Authorized Officer

Title: _____

LAUREL HILL DITCH CO.
An Oregon corporation

By: _____
Its President

By: _____
Its Secretary

(Acknowledgments)



VICTOR ATIYEH
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

RECEIVED

MAR 27 1986

WATER RESOURCES DEPT
SALEM, OREGON

PHONE 378-3066

March 19, 1986

Don H. Jackson
Laurel Hill Ditch Company
9600 Williams Highway
Grants Pass, OR 97527

Dear Mr. Jackson:

REFERENCE: File T-5455, BLM Water Right Transfer

On December 2, 1985, you advised me by letter that Laurel Hill Ditch Company had not yet reached an agreement with BLM over use of the Laurel Hill Ditch.

In January 1986, Don Hicks of BLM advised me by phone that an agreement still had not been reached, but it looked as though it was possible.

I have heard nothing since that time, so please let me know if you have reached an agreement, or if you want us to schedule a hearing on the protest.

Sincerely,

Samuel R. Allison

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wpc

cc: Robert B. Steimer, Watermaster, District 14
Don Hicks, BLM, Medford

3594D

RECEIVED

DEC 4 1985

WATER RESOURCES DEPT
SALEM, OREGON

December 2, 1985

Samuel R. Allison
Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

Re: Transfer Files T-5453 to T-5456 (BLM)

Dear Mr. Allison:

We have not reached a satisfactory arrangement with the BLM yet to receive water from the Laurel Hill Ditch so we would like for everything to stay as is until we have resolved our differences.

Sincerely,



Don H. Jackson, Board Member
Laurel Hill Ditch Company
9600 Williams Hwy
Grants Pass, Ore. 97527

Erasable Bond

25% COTTON FIBER



IN REPLY REFER TO

United States Department of the Interior

5730 Provolt

BUREAU OF LAND MANAGEMENT

MEDFORD DISTRICT OFFICE
3040 Biddle Road
Medford, Oregon 97504

RECEIVED

OCT - 1 1985

WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Department
Attention: Samuel R. Allison
Supervisor, Transfer Section
3850 Portland Road, N.E.
Salem, Oregon 97310

SEP 30 1985

Reference Files T-5453, 5454, 5455, and 5456

The Bureau of Land Management recently completed an analysis of the irrigation requirements for the Provolt Seed Orchard. This review has brought to our attention that transfer applications T-5453, 5454 and 5456 are not needed to achieve our irrigation objectives. Please remove these files from further consideration. Please retain file T-5455 as an active file pending resolution of formal protests received by the Water Resources Department. The revised irrigation plan for the Provolt facility will be developed utilizing a groundwater source located on the site. The Bureau will file the necessary application covering the development and use of the groundwater aquifer. Your cooperation is greatly appreciated.

Sincerely,

Donald T. Hicks

Donald T. Hicks
Provolt Orchard Manager

cc: Jim Carver, Hearings Examiner
Water Resources Department
3850 Portland Road, N.E.
Salem, Oregon 97310

Bob Steimer, Watermaster, District 14
101 Northwest A Street
Grants Pass, Oregon 97526



T-5455

IN REPLY REFER TO

United States Department of the Interior

5730
Provolt

BUREAU OF LAND MANAGEMENT

MEDFORD DISTRICT OFFICE
3040 Biddle Road
Medford, Oregon 97504

RECEIVED

FEB 11 1985

WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Department
Attention: Samuel Allison, Transfer Section
Mill Creek Office Park
555 13th Street N.E.
Salem, Oregon 97310

Reference: Transfer Application File #5455

On January 23, 1985, I sent letters to the protestants of the proposed water rights transfer asking them to notify James Carver, Jr., of your office that the protests have been resolved to their satisfaction (see enclosures). In reviewing the transfer application, a discrepancy was noted in the description of the proposed point of diversion (Item #7 on Application for Transfer of Water Right). According to the watermaster's records in Josephine County, the diversion point on record for the Laurel Hill Ditch is 125' N and 500' E from the center corner of Section 1, being within the SW1/4 NE1/4 of Section 1, Township 38 South, Range 5 West, Willamette Meridian. On our original application, the location description was transposed. Please amend the original application with the corrected description cited above. Please notify me by February 27, 1985 if your office has not yet received the letters from the protestants so that I can take additional action to expedite approval of Transfer #5455. Your cooperation is greatly appreciated.

Sincerely yours,

Donald T. Hicks

Donald T. Hicks
Provolt Orchard Manager
Ph. 546-7296

Carver phoned Hicks 2-27-85 as per above

no withdrawal of either protest received to date

JAC

JAN 23 1985

5730 Provolt

DT

Laurel Hill Ditch Co.
9600 Williams Highway
Grants Pass, OR 97527

Gentlemen:

It has been quite some time since our last contact with your company. The installation of the sprinkler system in the Letteken Fields west of Williams Creek is proceeding on schedule. Completion is expected by mid-March. Before the BLM can irrigate this spring, the water rights transfer application #5455 must be approved by the Water Resources Department in Salem. The Water Resources Department will not approve the water rights transfer until they receive a letter from your company stating that the protest you filed has been resolved to your satisfaction. When the Water Resources Department receives notification, it will take about two additional weeks to approve our water rights transfer. Once the transfer is approved then the BLM will purchase 60 acre-feet of stored water from the Applegate Reservoir. The BLM cannot purchase stored water without having an approved point of diversion.

If the Bureau of Land Management has satisfied the members of your company by providing access to company lands on the eastside of Williams Creek and by agreeing to purchase 60 acre-feet of supplemental water, would the company please notify the Water Resources Board in writing that the protest has been resolved? The letter should be addressed to:

Attn: Mr. James W. Carver, Jr.
Hearings Supervisor
Water Resources Department
Mill Creek Office Park
555 13th Street NE
Salem, OR 97310

It is in the best interests of all parties concerned that we have all these items resolved before the 1985 irrigation season begins. If you need additional information or have any questions about this letter, please contact Don Hicks at 846-7296.

Sincerely yours,

DHICKS:cha 1/21/85 2556L

Donald T. Hicks
Provolt Orchard Manager

ENC. 1

JAN 23 1985

5730
Provolt

DMH

Robert F. and Nola M. Ettner
12984 Williams Highway
Grants Pass, OR 97527

Dear Bob and Nola:

It has been some time since I last spoke to you about the BLM's water rights transfer application. During the past two months, a contractor has been installing an underground sprinkler system in the Letteken Fields adjacent to Wally Palmer's dairy. The system is expected to be operational sometime in March, 1985. Before the BLM can irrigate with this system, the formal protest that was filed with the Water Resources Department needs to be resolved. At this point in time, the only application that needs approval is transfer application #5455 which transfers approximately 0.42 cfs from the Bridgepoint Ditch to the Laurel Hill Ditch. The other transfer applications (5453, 5454 and 5456) which will establish one pumping station on the river are being delayed due to current budget restrictions and future uncertainty regarding availability of construction dollars. For the short-term, the BLM will continue to utilize the Bridgepoint Ditch and to pay it's share of the annual maintenance costs. As soon as the budget picture becomes more clear, the BLM will implement the proposals outlined in our previous correspondence with the members of the Bridgepoint Ditch Company.

If the BLM's proposals outlined in the letter dated August 31, 1984 meet with your approval, would you please notify, in writing, the Water Resources Department in Salem that the protest has been resolved to your satisfaction? Correspondence should be addressed to:

Attn: Mr. James W. Carver, Jr.
Hearings Supervisor
Water Resources Department
Mill Creek Office Park
555 13th Street NE
Salem, OR 97310

It is in the best interests of all parties involved (with application #5455 (Laurel Hill Ditch members primarily) that we have these protests resolved before the 1985 irrigation season begins. If you need additional information or have any questions about this letter, please contact Don Hicks at 846-7296.

Sincerely yours,

DHICKS:cha 1/21/85 2557L

Donald T. Hicks
Provolt Orchard Manager

ENC. 2

UNITED STATES GOVERNMENT

Memorandum

RECEIVED

JUN 29 1984

DEPARTMENT OF THE INTERIOR
WATER RESOURCES DEPT
BUREAU OF LAND MANAGEMENT
SALEM, OREGON
District Office
3040 Biddle Road
Medford, Oregon 97504
5730
Provolt

To : Interested Parties

Date: June 22, 1984

FROM : Don Hicks, Provolt Seed Orchard

SUBJECT: Pending Water Rights Transfers and Proposed Development for
Irrigation of BLM Lands

The Bureau of Land Management's Provolt Tree Seed Orchard is in the process of transferring points of diversion from several ditches (Bridgepoint, Spencer and York-Breedon) to the Laurel Hill Ditch and to a new diversion point on the Applegate River. There have been two protests filed with the State Water Resources Department in Salem objecting to these proposed water use changes. In order to be responsive to the concerns of the users of these ditches, the Bureau of Land Management will hold a public meeting on Saturday, July 14, 1984, at 9:00 a.m. at the Seed Orchard Office, 14171 Williams Highway, Grants Pass, OR (Jerry Stone's former residence).

The purpose of the meeting is to: 1.) provide a better understanding of the BLM's future operation of the Provolt Tree Seed Orchard and the expected water demands when irrigating the site, and 2.) to provide a forum for exchange of ideas and information in order to informally resolve the protests that have been filed. It is to the advantage of all interested parties to make their concerns known so that a responsible proposal can be made and implemented.

I am looking forward to meeting with you on July 14, 1984.

Attachment:
Mailing List

cc: Watermaster District 14
State Water Resources Dept.

Jim:
This is a copy of a letter
that was sent to all users
of the Bridgepoint & Laurel
Hill Ditch companies. I'll
let you know the outcome
when it occurs.

Thanks,
Don Hicks

RECEIVED

MAY 18 1984

PROTEST

WATER RESOURCES DEPT
SALEM, OREGON

I (We), Laurel Hill Ditch Company
name(s)

9600 Williams Hwy
mailing address

Grants Pass, Oregon 97527, 862-2235
city state Zip telephone

do hereby protest the approval of pending application numbered 5455
in the name(s) of Bureau of Land Management
pertaining to use of water from Applegate River and Williams Creek
name of river, creek, etc.

My (Our) water rights which would be adversely affected by the proposed use of
water are: Applegate River 1892 numbers 32850, 32848, 32847, 32849, 32844, 32846,
(identify by permit or certificate number and priority date)
32845, 37492, 32842, 32841. Williams Creek 1892 number 16313.

My (Our) water rights would be adversely affected in the following way(s):

Our investigation indicates water rights to be transferred are not of old
first quality water rights.

Therefore, I (we) request the Water Resources Director to deny the transfer as
proposed by the Bureau of Land Management application number 5455.
(the action you want the director to take in this matter)

I (We) recognize that it may be necessary to present testimony and evidence in
an administrative hearing before the Water Resources Director, in support of the
allegations made in this protest.

Proof of service of a copy of this protest on the applicant is attached.

Dated and signed this 17th day of May, 1984.

Filed this 18th day of May, 1984.

James W. Carver

\$25-fee paid, Rec#42296

Ken H. Jackson
signature Director

RECEIVED

MAY 18 1984

WATER RESOURCES DEPT
SALEM, OREGON

P R O O F O F S E R V I C E

I, Don H. Jackson, being first duly sworn, depose and say that on the date of May 17, 1984, I did mail a copy of the attached protest to the applicant by regular mail by placing it in an envelope addressed to:

Bureau of Land Management c/o Hugh R. Shera, Dist. Manager
(name)

3040 Biddle Road
(address)

Medford, Oregon 97501
(city) (state) (zip)

and depositing it in the United States Mail with sufficient postage prepaid thereon.

In Witness Whereof, I have hereunto set my hand this 17 day of May, 1984.

Don H. Jackson
(signature)

Subscribed and sworn to before me this 17 day of May
1984.

(Notarial Seal)

Brenda A. Paxton
Notary Public for Oregon

My commission expires 2-17-85



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

May 18, 1984

Laurel Hill Ditch Company
9600 Williams Highway
Grants Pass, Oregon 97527

Gentlemen:

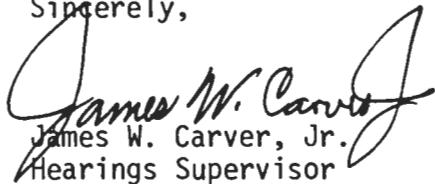
REFERENCE: Transfer Application 5455, BLM

Your protest against approval of pending water right transfer Application 5455 in the name of "U.S. Department of the Interior, Bureau of Land Management", together with proof of service on the applicant, was received and filed on May 18, 1984.

The pending application and your protest will be held without action for a reasonable time to allow opportunity for the parties to meet and discuss and, perhaps, reach agreement on the issues.

If the matter cannot be settled by agreement between the parties, a hearing will be scheduled at the request of the applicant.

Sincerely,



James W. Carver, Jr.
Hearings Supervisor

cc: Robert Steimer, Watermaster
District Manager, BLM



VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

May 9, 1984

Laurel Hill Ditch Company
9600 Williams Highway
Grants Pass, Oregon 97527

Gentlemen:

REFERENCE: Transfer Application 5455, BLM

This will acknowledge receipt of your offered protest letter, dated April 24, 1984, against approval of Water Right Transfer Application 5455 in the name of "U.S. Department of the Interior, Bureau of Land Management," which application proposes a change in point of diversion of water from the Applegate River, being from the Bridgepoint Ditch to the Laurel Hill Ditch.

The affected water right is for the irrigation and supplemental irrigation of a certain 36.9 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 38 South, Range 5 West, WM, under a priority date of "October, 1898" as described by the certificate recorded at page 32822, Volume 24, State Record of Water Right Certificates.

This will also acknowledge your check in the amount of \$25. Our receipt numbered 42296 is enclosed.

Your offered protest does not meet the minimum requirements of the administrative rules for protests so it has not been filed as a formal protest. A copy of the pertinent rules is enclosed together with forms for protests and proof of service. These forms may be used directly or as guides.

If you submit a completed protest and proof of service, please remind us that you have already paid the fee.

We understand that the Bureau of Land Management is reconsidering the proposed changes to their water rights and may amend the pending transfer applications.

Sincerely,

James W. Carver, Jr.
Hearings Supervisor

cc: Robert Steimer, Watermaster

Laurel Hill Ditch Company
9600 Williams Hwy
Grants Pass, Or. 97527

April 24, 1984

Director of Water Resource Dept.
555 13th Street N.E.
Salem, Oregon 97310

Dear Sir:

In reference to Transfer No. 5455 as proposed by the Bureau of Land Management to transfer water rights to the Laurel Hill Ditch, our investigation indicates water rights to be transferred are not of old first quality water rights as we were lead to believe.

Therefore, this transfer of water as proposed is not satisfactory and acceptable by the majority of stock holders of the Laurel Hill Ditch Company. So as of this date, we protest this transfer as proposed.

Yours very truly,

LAUREL HILL DITCH COMPANY

Cliff E. Willson
President

Don H. Jackson
Director

Tyle Woodcock
Director

Director

CC: Bureau of Land Management
Medford, Oregon

RECEIVED

MAY 1 1984

WATER RESOURCES DEPT
SALEM: OREGON

3:15 PM

378-3739

STATE OF OREGON
WATER RESOURCES DEPARTMENT

Mill Creek Office Park • 555 13th Street N.E.
Salem, Oregon 97310

RECEIVED FROM

Laurel Hill Hatch Application
Permit Transfer 5455

TOTAL REC'D. \$

25

CASH

CHECK

MONEY ORDER

By _____

EXAMINATION FEES:

RECORDING FEES:

Surface Water \$ _____ \$ _____

Ground Water \$ _____ \$ _____

Transfer \$ _____ \$ _____

MISCELLANEOUS FEES:

Copying

Certification

Misc. Recording

Protest

Extension of time

25

ADJUDICATION FEE \$ _____

POWER LICENSE FEE \$ _____

HYDROELECTRIC LICENSE FEE \$ _____

EXAM FEE \$ _____

WATER WELL CONSTRUCTOR

Exam Fee License Fee \$ _____

LANDOWNER'S WATER WELL PERMIT FEE \$ _____

ALL OTHER: \$ _____

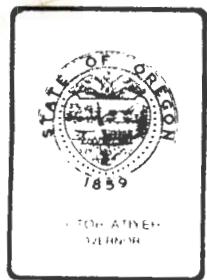
SUSPENSE TOTAL \$ *25*

BASIN MAPS \$ _____

QUADRANGLE ACCOUNT \$ _____

RECEIPT NO.

42296 Dated *5/1/84* By *Linnie C. Brandt*



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

November 20, 1985

Don H. Jackson
Laurel Hill Ditch Company
9600 Williams Highway
Grants Pass, OR 97527

Dear Mr. Jackson:

REFERENCE: Transfer Files T-5453 to T-5456 (BLM)

On November 18, 1985, we received a letter from Mr. Robert F. Ettner stating that he had withdrawn his protest to the transfers.

BLM has withdrawn Transfers T-5453, T-5454 and T-5456; leaving T-5455, Bridgepoint Ditch to Laurel Hill Ditch, as the only active file.

If you intend to continue with your protest, please let us know.

Sincerely,

Samuel R. Allison

SAMUEL R. ALLISON
Supervisor
Transfer Section

SR A:wpc

cc: Robert B. Steimer, Watermaster, District 14

1356D

November 15, 1985

RECEIVED

NOV 18 1985

James W. Carver, Jr., Hearings Supervisor
Water Resources Department
Mill Creek Office Park
555 13th Street N.E.
Salem, OR 97310

WATER RESOURCES DEPT
SALEM, OREGON

RE: BLM Transfer Applications 5453 to 5456 (Williams Cr. & Applegate River)

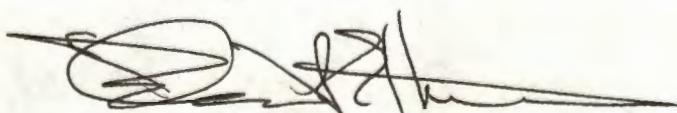
Dear Mr. Carver:

I am in receipt of the BLMs letter of October 7, 1985, which satisfactorily responds to my concerns relative to the protest offered in May, 1984, against approval of pending water right transfer Applications 5453 through 5456 in the name of "U.S.D.I., Bureau of Land Management" for said changes in points of diversion. By this letter, we (Robert F. & Nola M. Ettner) wish to withdraw our protest to the above applications and accept the transfer Application 5455 under the conditions noted in the BLM letter of October 7, 1985 (attached).

Except for transfer 5455, all others applications will be removed from further consideration. Application 5455 applies to lands west of Williams Creek; the transfer of diversion is from the Bridgepoint Ditch to the Laurel Hill Ditch. As we have experienced one season of nonuse by BLM on Bridgepoint Ditch, I do not feel the impact of their transfer will have a measurable effect on the remaining three Bridgepoint Ditch users west of Williams Creek. Don Hicks has assured me that the BLM will continue to maintain the Bridgepoint Ditch through the Seed Orchard property.

My protest letter of May 5, 1984, suggested that the BLM involve all affected parties in their decision, and to look at alternative Irrigation systems that would mitigate the concerns expressed by the local water users. I, personally, extend my thanks to Don Hicks in providing a public meeting forum to listen to the ditch users concerns and suggestions. Additionally, I commend Hicks and the Bureau for their continued evaluation of alternative systems. The new proposal more than mitigates the local concerns; it goes a long way toward meeting the state-of-art in water conservation measures.

Sincerely,



Robert F. Ettner
12984 Williams Hwy.
Grants Pass, OR 97527

cc: Hugh Shera, District Manager, BLM
Don Hicks, Provolt Orchard Manager, BLM
Wally Palmer, Palmer & Hunt Dairy
Don Jackson, Laurel Hill Ditch Assn.
Bridgepoint Ditch Company

Robert F. & Nola M. Ettner
12984 Williams Hwy.
Grants Pass, OR 97527



IN REPLY REFER TO

United States Department of the Interior

5730 Provolt

BUREAU OF LAND MANAGEMENT

MEDFORD DISTRICT OFFICE
3040 Biddle Road
Medford, Oregon 97504

OCT 7 1985
RECEIVED

NOV 18 1985

**WATER RESOURCES DEPT
SALEM, OREGON**

Robert F. and Nola M. Ettner
12984 Williams Highway
Grants Pass, Oregon 97527

Dear Mr. and Mrs. Ettner:

It has been quite some time since the last public meeting was held at the Bureau of Land Management's Provolt Seed Orchard and subsequent follow-up activities were reported to you. The purpose of this letter is to provide you with an update on activities which have occurred at the Provolt Seed Orchard during the past year and to inform you of upcoming activities which may be of interest to you.

The principle changes which have occurred or are expected to occur are due to a fundamental change in the type of irrigation system which will be used at the Provolt Seed Orchard. At the time of the last public meeting (July, 1984), the Bureau expected to take its allocated volume of water directly from the Applegate River and irrigate all lands (except the land west of Williams Creek), with a solid set sprinkler system. This proposal meant shifting points of diversion from the Bridgepoint ditch to the Applegate River. The focus of the last public meeting was how to reduce the impacts to ditch users when the BLM started taking water directly from the river.

Subsequent evaluation of the proposed irrigation system pointed out major cost savings which would result from a design change to a low volume, low pressure, micro-spray type system. In addition to a lower initial installation cost, the micro-spray system is more efficient in terms of water usage and lower power requirements because of smaller sized pumps. All water for the proposed system will be obtained from a series of springs located within the Provolt Orchard. The Bridgepoint ditch will be used to supply water as a back-up to the spring development. The micro-spray system will be capable of providing 30 gallons of water per tree every ten days. The water will be concentrated in the rooting zone of each tree, thereby eliminating the need to water the turf areas between each tree position. The design of the micro-spray system is currently under contract with an engineering firm. Completion of the design is expected by November 30, 1985. Construction activities are anticipated to begin in 1986. Completion of the entire system will be dependent upon the availability of funds.

What does the design change mean to you? As a member of the Bridgepoint Ditch Company, it means the following:

1. The BLM will remain in the Bridgepoint Ditch Company and continue to pay its annual maintenance assessment.
2. The BLM will not change the point of diversion from the ditch to the Applegate River.
3. The BLM will not purchase 400 acre-feet of supplemental water for the Bridgepoint ditch users to offset the negative impacts associated with changing points of diversion.
4. The water rights transfer applications presently on file with the State of Oregon, Water Resources Department in Salem will be removed from further consideration, except transfer #5455 which provides water to lands west of Williams Creek via the Laurel Hill Ditch.
5. No change from current operations involving the users of the Bridgepoint Ditch.

The overall effect of the change from a solid-set sprinkler type system to a micro-spray system is two-fold: 1) The micro-spray is more efficient and 2) less costly to build and operate. The reduction in initial cost will give the Bureau the opportunity to develop the Provolt site at a more rapid rate because the available funds can be used to install the micro-irrigation system on more acres.

In addition to the irrigation system, Provolt Orchard personnel have been preparing approximately 100 acres which will be planted with perennial ryegrass and creeping red fescue this fall. Other site preparation activities will begin this fall as weather conditions allow. In February, 1986, approximately 12 acres of trees will be planted in the area west of Williams Creek and north of Highway 238.

I would encourage you to call me or stop by my office at 14171 Williams Highway, if you have any questions or comments regarding this letter or the activities outlined above. I can be reached at 846-7296 between 7:00 a.m. and 5:30 p.m. Monday through Friday.

Sincerely yours,

Donald T. Hicks

Donald T. Hicks
Provolt Orchard Manager

P.S. Bob:

Please give me a call regarding resolution of protest for transfer #5455.

Thanks,

Don



VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

May 17, 1984

Robert F. and Nola M. Ettner
12984 Williams Highway
Grants Pass, Oregon 97527

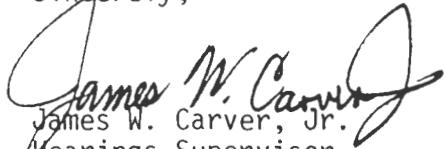
Dear Mr. and Mrs Ettner:

REFERENCE: Transfer Applications 5453 to 5456

Your protest against approval of water right transfer Applications 5453 to 5456 in the name of "U.S. Department of the Interior, Bureau of Land Management", together with proof of service on the applicant, was received and filed on May 16, 1984.

The applications and the protest will be held without action for a reasonable time to allow opportunity for the parties to discuss and, perhaps, arrive at an agreement on the issues.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

cc: Robert Steimer, Watermaster



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

May 9, 1984

Robert F. Ettner
12984 Williams Highway
Grants Pass, Oregon 97527

Dear Mr. Ettner:

REFERENCE: Transfer Applications 5453 to 5456, BLM

This will acknowledge receipt of your offered protest dated May 5, 1984 (copy enclosed), against approval of pending water right transfer Applications 5453, 5454, 5455 and 5456 in the name of "U.S. Department of the Interior, Bureau of Land Management", for changes in points of diversion under existing rights to appropriate water from Williams Creek and from Applegate River.

This will also acknowledge your check in the amount of \$25. Our receipt numbered 42620 is enclosed.

Your offered protest does not meet the minimum requirements of the administrative rules for protests so it has not been filed as a formal protest.

We understand that the Bureau of Land Management is reconsidering the proposed changes to their water rights and may amend the subject applications.

A copy of the pertinent administrative rules is enclosed together with forms for protests and proof of service. These forms may be used directly or as guides. If you submit a completed protest and proof of service, please remind us that you have already paid the fee.

Sincerely,

James W. Carver, Jr.
Hearings Supervisor

cc: Robert Steimer, Watermaster

*** O R E G O N W A T E R R E S O U R C E S D E P A R T M E N T ***
 *** W A T E R R I G H T S D I V I S I O N ***
 *** W A T E R R I G H T D A T A I N P U T F O R M ***

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

WATER RIGHT NO. 1000054551 PERMIT NO. 013393 CERTIF. NO.
 ORIG. NO. C-328221 PREV. NO. C-00032822 SUPER. NO.

STREAM-ID /S 1680 1590

RIV.MI. 0.0 WM.DIST./S W.R.TYPES C STATUS ✓

| | | | |
|---------------------------|-------------------|---------------------|------------------------|
| CANCEL YEAR--> | CONSTR.COMPLT--> | YR.LAST USED-----> | NEXT ACTION DUE--> |
| PRIORITY----->10 31 1898 | PUT TO USE-----> | LAST TRANS.DATE--> | LAST TRANS.TYPE--> |
| APPLICATION--->03 27 1987 | SURVEYED-----> | EXAM.FEE----->50.00 | RECORDING FEE--->35.00 |
| PERMIT ISSUE--> | CONCURRENCE-----> | CYCLE STATUS-----> | REPORTED FLAG----> |
| CONSTR.START.--> | CERTIFIED-----> | CORRES.INIT.-----> | CORRES.DATE-----> |

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

| | RIV.MI. | RATE | STATUS | S OR P |
|------------------|-----------|------|--------|--------|
| 1805 050W 01 A C | 1680 1590 | 0.0 | 0.000 | ✓ P |
| | | 0.0 | 0.000 | |
| | | 0.0 | 0.000 | |

** REMARKS:----->
 ** DATED-->
 ** POOL LAUREL 11LL DITCH SEE 'N'
 ** § 1251 E FM CENTER SI. CHANGES
 ** POO ALL OF C-32822. PROTESTED.

PLACE-OF-USE DATA:

| TWNSP RNGE SECT QTR/QTR CNTY | USE % | CNSMTV | ACRES | STATUS | S OR P |
|------------------------------|-------|--------|--------|--------|--------|
| 3805 050W 01 B D | 17 | IR | 100.00 | 25.00 | ✓ P |
| 3805 050W 01 C A | 17 | IR | 100.00 | 11.90 | ✓ P |
| | | | .00 | .00 | |

** NOTE! PART SUPPLEMENTS

** C-16307

**-----

**-----

W.R.I.S.

Assisted 11-20-81 by SRS

Entered _____ by _____

Verified _____ by _____



STATE OF OREGON

RECEIVED

APR 13 1984

INTEROFFICE MEMO

WATER RESOURCES DEPT
SALEM, OREGON

TO: Sam Allison
Transfer Division

DATE: April 12, 1984

FROM: Robert B. Steimer *bh*
Watermaster, District #14

SUBJECT: Transfers 5453 and 5455

Transfer 5453 proposes to change point of diversion for 25 acres (.42 cfs) from the York Breeden Ditch to the Spencer Ditch, which diverts about 1 1/2 miles upstream. It appears this would require an extension of about 1/2 to 3/4 mile to the Spencer Ditch, crossing the Williams Creek and the Williams Highway. It seems questionable whether the water could be delivered to the land without considerable seepage loss.

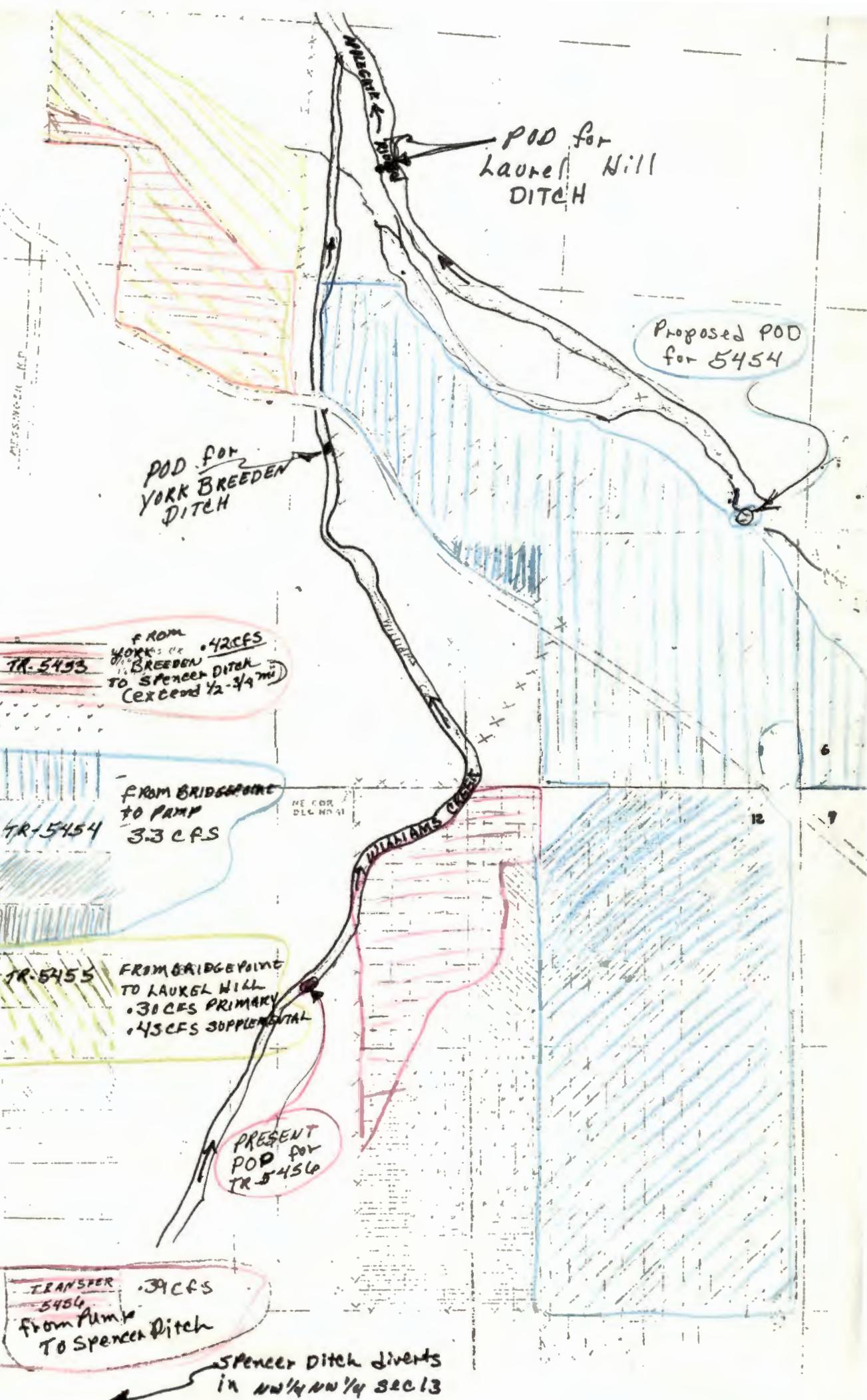
Transfer 5455 proposes to change point of diversion from the Bridgepoint Ditch to the Laurel Hill Ditch. Of the total 36.9 acres (.74 cfs) only 15.4 acres (.31 cfs) is primary right. The remainder is supplemental to that land described above under Transfer 5453.

I am not sure the B.L.M. people completely understand what they are asking for here. They seem to think in terms of cfs amounts rather than acreage. There may also be a problem with their understanding of primary and supplemental. I am conveying this to you to do whatever you deem prudent. Would you look the attached sketch over and let me know what you think?

RBS/sj

4-30-84

Phone call from Laurie Lindell. She will find out from Don Hicks, Orchard Manager, what he has in mind for distribution of water. She or he will call me.



STATE OF OREGON
WATER RESOURCES DEPARTMENT
MILL CREEK OFFICE PARK
555 13TH STREET N.E.
SALEM, OREGON 97310

TO: Bureau of Land Management
ADDRESS: 3040 Biddle Road, Medford, OR 97504

DATE: April 30, 1984
Order No. OR 110-PH4-52

| | | |
|--|-----|----|
| Examination fee for Transfer 5453 | 50 | 00 |
| Point of Diversion Recording fee for Transfer 5453 | 35 | 00 |
| Examination fee for Transfer 5454 | 50 | 00 |
| Point of Diversion Recording fee for Transfer 5454 | 35 | 00 |
| Examination fee for Transfer 5455 | 50 | 00 |
| Point of Diversion Recording fee for Transfer 5455 | 35 | 00 |
| Examination fee for Transfer 5456 | 50 | 00 |
| Point of Diversion Recording fee for Transfer 5456 | 35 | 00 |
| Publication of Notice for Transfers 5453, 5454, 5455, & 5456 | 201 | 28 |
| TOTAL DUE | 541 | 28 |

Please return one copy of this billing with your remittance. Thank you.

378-3066

April 5, 1984

Daily Courier
PO Box 1468
Grants Pass, OR 97526

REFERENCE: Files T-5453, 5454, 5455 and 5456

Enclosed is a notice for publication in the April 12, 19 and 26, 1984 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
Supervisor
Transfer Section

SRAwpc
cc: Laurie Lindell
Robert B. Steiner, Watermaster, District 1*

enclosure
0435A
1550C

April 3, 1984

Laurie Lindell
Medford District, BLM
3040 Biddle Road
Medford, OR 97504

REFERENCE: Files T-5453, 5454, 5455 and 5456

Oregon Water Law, ORS 340.520(2), requires that notice of your proposed water right transfer be published once each week for three consecutive weeks in a newspaper that is printed and has general circulation in the county where the water right is located.

The newspaper publication dates for your proposed transfer are given on the attached sheets.

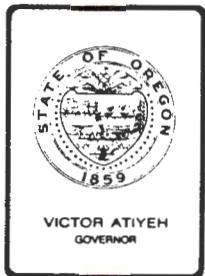
If protests are filed, a hearing will be set, and a determination by the Water Resources Director will be made, then the transfer approved or denied within 60 days from the date the hearing is held.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SR A:wpc
cc: Robert B. Steimer, Watermaster, District 14

0949B
1550C



Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

March 29, 1984

Laurie Lindell
Medford District, BLM
3040 Biddle Road
Medford, OR 97504

REFERENCE: Files T-5453, T-5454, T-5455 and T-5456

Your Water Right Transfer Applications, together with supporting data and purchase order in the amount of \$580, were received on March 27, 1984.

I am returning Application T-5456. The right cited as Certificate 49853 is a Permit right, not a Decree right. Please check your records and amend as needed.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wpc
cc: Robert B. Steimer, Watermaster

0949B
1546C

NOTICE OF WATER RIGHT TRANSFER APPLICATIONS 5453, 5454, 5455 & 5456

On March 27, 1984, applications were filed in the office of the Water Resources Director by Bureau of Land Management, Medford District for approval of changes in point of diversion of water from Williams Cr & Applegate R, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was established in the name of G.A. Dunlap, tabulated in Volume 4, page 26, Order Record of the Water Resources Director, for use of not to exceed 0.42 cubic foot per second from Williams Cr for irrigation of, among other lands, a certain 13.0 ac in SE 1/4 NW 1/4 & 12.0 ac in NE 1/4 SW 1/4, Sec 1, T38S, R5W, WM, with a date of priority of 1890, as evidenced by the certificate recorded at page 16307, Volume 13, State Record of Water Right Certificates.

Water for the said right is diverted, through the York & Breedon Ditch, from a point located 1735'N & 77'E from the S 1/4 Cor of Sec 1, being within the NW 1/4 SE 1/4 of Sec 1, T38S, R5W, WM.

By Transfer 5453, the applicant herein proposes to change the point of diversion to the Spencer Ditch, located 135'S & 135'E from the NW Cor of Sec 13, being within the NW 1/4 NW 1/4 of Sec 13, T38S, R5W, WM.

By Decree of the Circuit Court for Josephine County, Oregon, entered May 19, 1964, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was established in the name of Elery Stone, tabulated in Volume 13, page 390, Order Record of the Water Resources Director, for use of not to exceed 1.62 cfs from Applegate R for irrigation of, among other lands, a certain 9.6 ac in NE 1/4 SE 1/4, 22.3 ac in NW 1/4 SE 1/4, 37.5 ac in SW 1/4 SE 1/4 & SE 1/4 SE 1/4, sec 1, T38S, R5W, WM; & 11.5 ac in SW 1/4 SW 1/4, Sec 6, T38S, R4W, WM, with a date of priority of October, 1898, as evidenced by the certificate recorded at page 32813, Volume 24, State Record of Water Right Certificates.

By said Decree, a water right was established in the name of George Fields, tabulated in Volume 13, page 391, Order Record of the Water Resources Director, for use of not to exceed 0.89 cfs from Applegate R for irrigation of, among other lands, a certain 5.0 ac in NE 1/4 NE 1/4 & 39.5 ac in SE 1/4 NE 1/4, Sec 12, T38S, R5W, WM, with a date of priority of October, 1898, as evidenced by the certificate recorded at page 32813, Volume 24, State Record of Water Right Certificates.

By said Decree, a water right was established in the names of Arthur J. & Alma S. Farra, tabulated in Volume 13, page 392, Order Record of the Water Resources Director, for use of not to exceed 0.67 cfs from Applegate R for irrigation of, among other lands, a certain 33.6 ac in NE 1/4 NE 1/4, Sec 12, T38S, R5W, WM, with a date of priority of October, 1898, as evidenced by the certificate recorded at page 32820, Volume 24, State Record of Water Right Certificates.

By said Decree, a water right was established in the names of Oscar A. & Vivian Johnson, tabulated in Volume 13, page 392, Order Record of the Water Resources Director, for use of not to exceed 0.12 cfs from Applegate R for irrigation of, among other lands, a certain 6.0 ac in SW 1/4 SE 1/4, Sec 1, T38S, R5W, WM, with a date of priority of October, 1898, as evidenced by the certificate recorded at page 32821, Volume 24, State Record of Water Right Certificates.

Water for the said rights is diverted, through the Bridgepoint Ditch, from a point located 1075'N & 1660'W from the SE Cor of Sec 17, being within the SW 1/4 SE 1/4 of Sec 17, T38S, R4W, WM.

By Transfer 5454, the applicant proposes to change the point of diversion to a point located 1330'N & 400'W from the SE Cor of Sec 1, being within the NE 1/4 SE 1/4 of Section 1, T38S, R5W, WM.

By said Decree a water right was established in the names of Sam & Nellie Letteken, tabulated in Volume 13, page 393, Order Record of the Water Resources Director, for use of not to exceed 0.74 cfs from Applegate R for primary irrigation of, among other lands, a certain 15.4 ac in SE 1/4 NW 1/4 & supplemental irrigation of 9.6 ac in SE 1/4 NW 1/4 & 11.9 ac in NE 1/4 SW 1/4, Sec 1, T38S, R5W, WM, with a date of priority of October, 1898, as evidenced by the certificate recorded at page 32822, Volume 24, State Record of Water Right Certificates.

Water for the said right is diverted, through the Bridgepoint Ditch, from a point located 1075'N & 1660'W from the SE Cor of Sec 17, being within the SW 1/4 SE 1/4 of Sec 17, T38S, R4W, WM.

The applicant herein proposes to change the point of diversion to the Laurel Hill Ditch, located 500'N & 125'E from the Center of Sec 1, being within the SW 1/4 NE 1/4 of Sec 1, T38S, R5W, WM.

The certificate recorded at page 49853, Volume 43, State Record of Water Right Certificates, in the names of Fields & Stone Corp, describes a right for the use of not to exceed 0.39 cfs from Williams Cr, for irrigation of a certain 13.9 ac in Lot 1 (NW 1/4 NE 1/4) & 1.8 ac in Lot 2 (SW 1/4 NE 1/4), Sec 12, T38S, R5W, WM, with a date of priority of January 19, 1961.

Water for said right is diverted from a point located 1030'S & 2500'W from the NE Cor of Sec 12, being within the NW 1/4 NE 1/4 of Sec 12, T38S, R5W, WM.

The applicant herein proposes to change the point of diversion therefrom to the Spencer Ditch, located 135'S & 135'E from the NW Cor of Sec 13, being within the NW 1/4 NW 1/4 of Sec 13, T38S, R5W, WM.

Pursuant to ORS 540.520(2), if protests are filed, a hearing will be scheduled. Any objection to the proposed changes must be prepared in writing: one copy to be served on the applicant at 3040 Biddle Rd, Medford, OR 97504; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$25 filing fee. 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 5th day of April, 1984.

WILLIAM H. YOUNG, Director