

036 Olson Lumber, Inc.
 P.O. Box 847
 Medford, Oregon

036
 1559

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEEES PAID

Change in place of use
 Date filed 5/23/62
 Date of hearing _____
 Place of hearing _____
 Date of order 7/2/62 Vol. 12, page 68
 Date for application of water 10/1/63
 Proof mailed to Sumner 7/26/63
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

Name of stream Mill Creek
 Trib. of _____ County of Jackson
 Use domestic
 Quantity of water _____ No. of ~~acres~~ 7 families
 Name of ditch Nye ditch
 Date of priority March 19, 1941
 In name of Ross Lumber Company
 _____ Adjudication, Vol. _____, page _____
 App. No. 19216 Per. No. 14809 Cert. No. 29941-
 Certificate cancelled _____
 Notation made on record by WAC MBB RL

Date	Amount	Receipt No.
<u>5-23-62</u>	<u>\$ 15.00</u>	<u>33876</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

ARCHIVE AFTER 1973

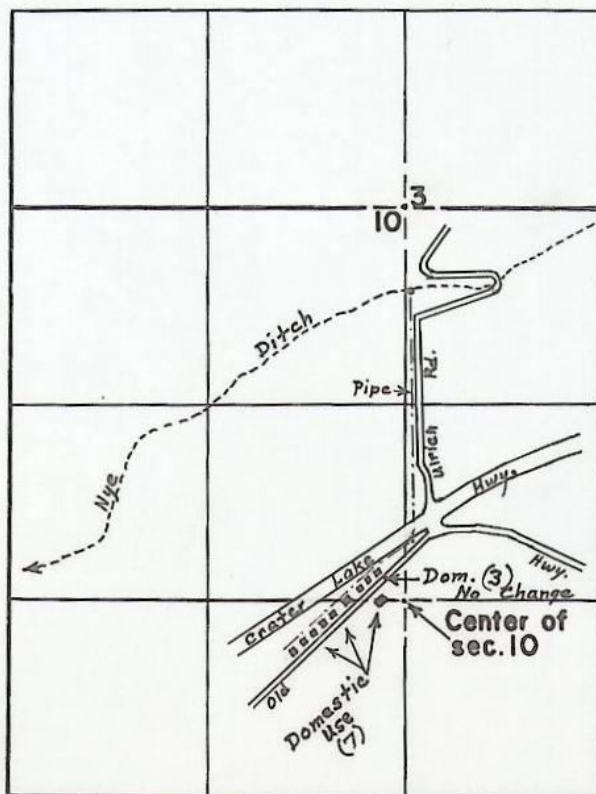
REMARKS

FINIS
See T-2626 re: retransfer.

5-12 86 TS

263

T.33S. R.2E.W.M.



FINAL PROOF SURVEY
UNDER

Trans. No. **0-36**
Application No. _____ Permit No. _____
IN NAME OF

Olson-Lawyer Lumber Co.

Surveyed **April 16**, 1971, by **D.C. Hendrix**

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF OLSON-LAWYER LUMBER, INC. FOR)
THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM MILL CREEK)
- - - - -

ORDER

APPROVING APPLICATION

On May 23, 1962, Olson-Lawyer Lumber, Inc. of Medford, Oregon filed an application in the office of the State Engineer for the approval of a change in place of use of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Ross Lumber Company and recorded at page 27741, Volume 19, State Record of Water Right Certificates, confirms a right under Permit No. 14809 to the use of 1.0 cubic foot per second of the waters of Mill Creek, being 0.6 cubic foot per second for steam boiler, 0.29 cubic foot per second for mill pond and 0.11 cubic foot per second for domestic purposes for 10 families within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 33 South, Range 2 East, W. M., with a date of priority of March 19, 1941.

The applicant herein, owner of the water right above described, proposes to change the place of use for domestic supply for 7 families located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 33 South, Range 2 East, W. M., without loss of priority to domestic use of 5 families located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 10, and 2 families located partially within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and partially within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 10.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in place of use of water only.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in place of use may be made without injury to existing rights.

approved 7-2-62

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same is approved and that the water right hereinbefore described as being for the domestic use of 7 families in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 33 South, Range 2 East, W. M., with a date of priority of March 19, 1941, be severed therefrom and simultaneously and without loss of priority transferred to the domestic use of 5 families located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 10, and 2 families located partially within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and partially within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 10.

It is FURTHER ORDERED that the change in place of use shall be completed on or before October 1, 1963, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Olson-Lawyer Lumber, Inc. to the extent to which the water has been applied beneficially and the certificate of water right heretofore issued to Ross Lumber Company and recorded at page 27741, Volume 19, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 2nd day of July, 1962.

/s/ CHRIS L. WHEELER
State Engineer

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT

Transfer No. 0-36

90 Dewey Wilson, Atty.
Franklin Building
125 South Central Ave.
Medford, Oregon 97501
Address P. O. Box 847, Medford County Jackson

1. Name Olson-Lawyer Lumber Co.
2. Source of Supply Mill Creek, Trib. of _____
3. Amount of Water _____ Priority Date March 19, 1941
4. Use domestic supply for 7 families
5. Location of Point of Diversion _____

6.

Township	Range	Section	Forty Acre Tract	No. Acres in Transfer	No. Acres Found Irrigated
33 S.	2 E.	10	NE $\frac{1}{4}$ SW $\frac{1}{4}$	5 families	5 Families
			NE $\frac{1}{4}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$	2 families	2 Families

Surveyed April 16, 1971
DCH

7. If for power, mining, municipal, manufacturing or any other purpose than irrigation, give method and extent of such use: _____

8.

DESCRIPTION OF WORKS

CANAL: Width on top (at waterline) _____; Width on bottom _____; Depth of water _____; Grade _____ ft. fall per 1,000 ft.; Actual capacity _____ sec. ft.;

Give general description: Nye Ditch from Mill Creek

PUMP AND PIPE OR SPRINKLER SYSTEMS:

Pump: Make All gravity system Type _____ No. _____

Intake size _____ Discharge size _____ Suction head _____ Discharge head _____ Rating: GPM _____ RPM _____ Pressure _____

Power Plant: Type _____ Make _____

H.P. Rating _____ RPM _____

Power Connection: Direct connected unit _____

If belt driven: Size of drive pulley _____ Driven pulley _____

Distribution System: Main line - Size 6.0" Length 1500' Kind of Pipe Steel

Lateral lines: Size 4" to 3/4" Length 1450 Kind of Pipe gal iron + plastic

Sprinkler Heads: Make _____ Size of Nozzles _____

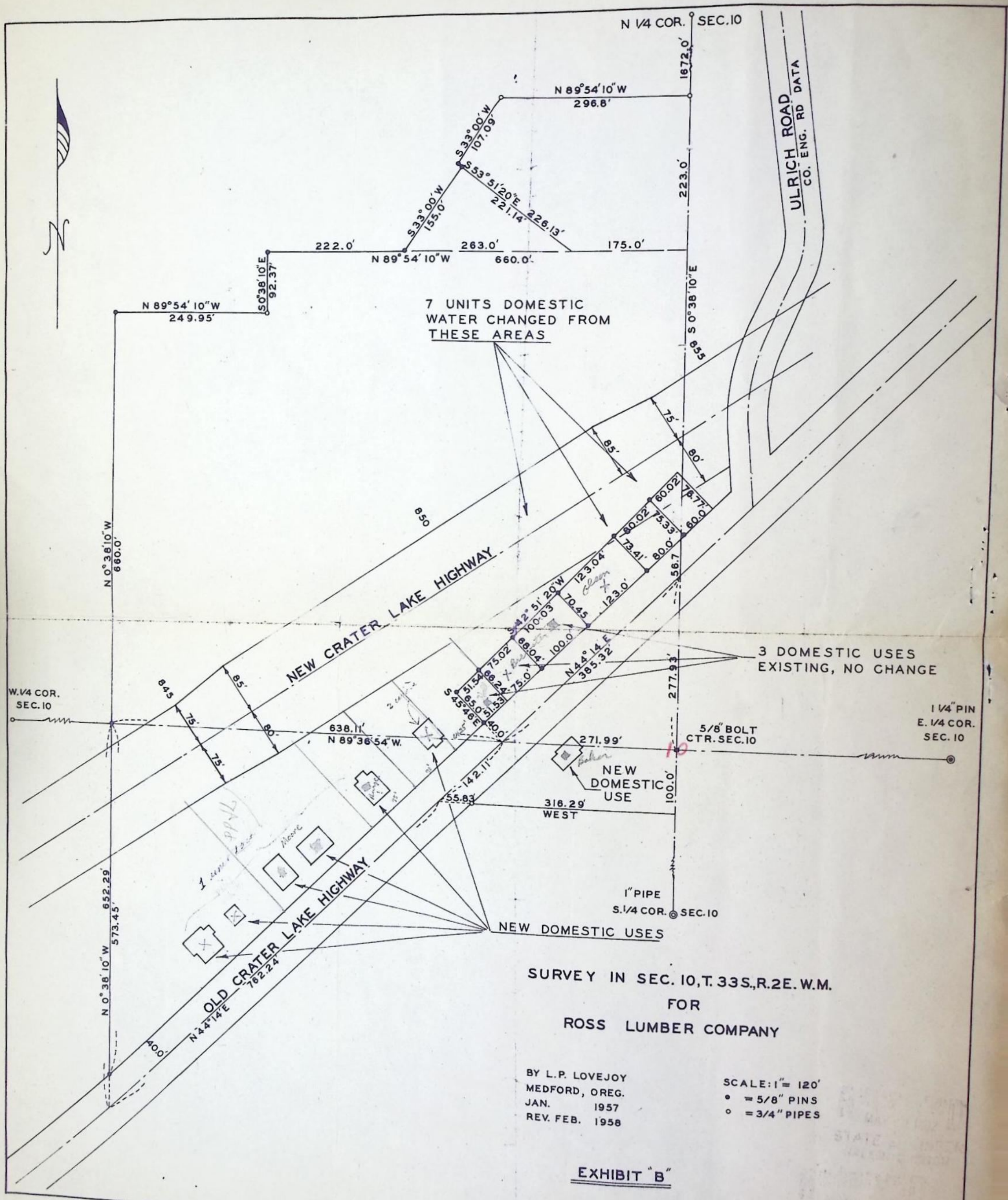
Number of heads used _____ Discharge capacity of each _____ GPM;

Operating pressure 36 lbs. 85' fall from Nye Ditch to places of use.

REMARKS: Domestic use from Mill Creek through Nye Ditch for 10 families, of which 7 was involved in this transfer and 3 remained the same.

April 16, 1971
Date

David C. Hendrix
Inspector's Signature



7 UNITS DOMESTIC WATER CHANGED FROM THESE AREAS

3 DOMESTIC USES EXISTING, NO CHANGE

NEW DOMESTIC USES

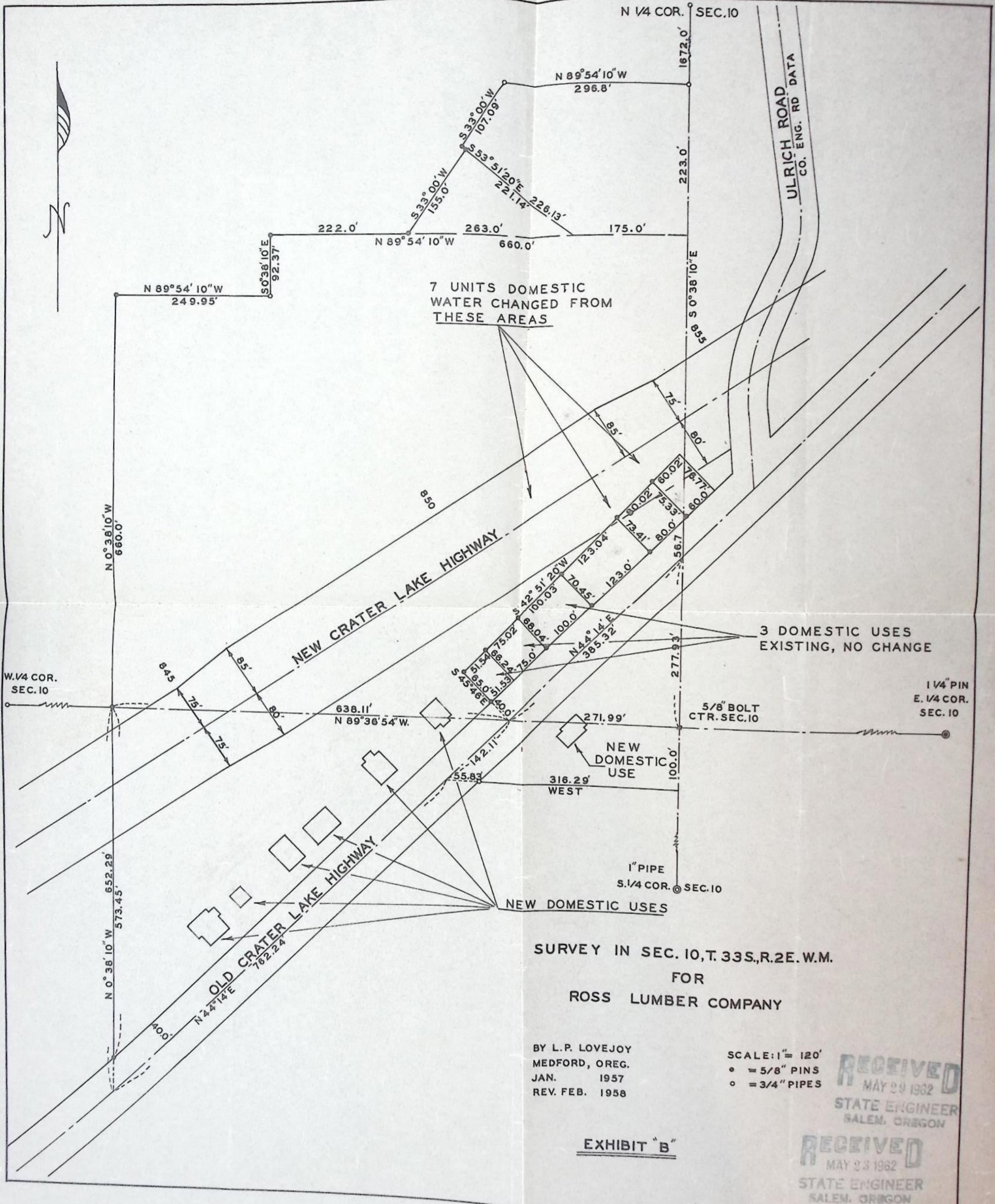
SURVEY IN SEC. 10, T.33S., R.2E., W.M.
FOR
ROSS LUMBER COMPANY

BY L.P. LOVEJOY
MEDFORD, OREG.
JAN. 1957
REV. FEB. 1958

SCALE: 1" = 120'
• = 5/8" PINS
○ = 3/4" PIPES

EXHIBIT "B"

10-20 0-36



7 UNITS DOMESTIC
WATER CHANGED FROM
THESE AREAS

3 DOMESTIC USES
EXISTING, NO CHANGE

NEW DOMESTIC USES

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RECEIVED
MAY 29 1962
STATE ENGINEER
SALEM, OREGON

RECEIVED
MAY 23 1962
STATE ENGINEER
SALEM, OREGON

EXHIBIT "B"

RECEIVED
MAY 23 1962
STATE ENGINEER
SALEM, OREGON

RECEIVED
MAY 29 1962
STATE ENGINEER
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Olson-Lawyer Lumber, Inc., an Oregon corporation,
(Name of applicant)

of P. O. Box 847, Medford, County of Jackson
(Postoffice)

State of Oregon, do hereby make application for change of place of use.

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

1. The source of present water right is Mill Creek in Jackson county, Oregon.
(Name of stream)
2. The use to which the water is applied is domestic.
(Irrigation; Mining; Power; Manufacturing; etc.)
3. The name of the ditch, canal or pipe line is Nye Ditch operated by Nye Ditch Users Incorporated.
4. The point of diversion is located 1,920 ft. N. and 2,729 ft. E. from the Southwest
(N. or S.) (E. or W.)

corner of Sec. 28, Twp. 32 S., Range 3 E. of W.M. being within the Northwest Quarter of the South-
(Section or subdivision)
east Quarter
of Section 28 Tp. 32 S. R. 3 E. W. M., in the County of Jackson
(No. N. or S.) (No. E. or W.)

5. Give the number of acres irrigated in each smallest legal subdivision (40-acre tract). Only show the acreage which is being transferred. If the water is used for power, mining or other use, show place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4				
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
33 S.	2 E.	10																	
			(Of 10 original units assigned to the SE/4 of the NW/4, 7 are being changed and three remain unchanged - See Exhibit "A" for full description).																

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.
(Attach separate sheet if necessary)

*0.6 cfs steam boiler
Mill pond
Domestic for 10 families*

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

6a. Have the lands above described been irrigated during the past 5 years? Yes - domestic use.

7. What is the priority date of your water right? March 19, 1941.

8. Was your water right acquired by State Engineer's Permit? Yes. If so, give number
(Yes or No)

of permit #14809.

9. Do you hold a water right certificate? Yes. If so, give number of certificate #27741, Vol. 19
(Yes or No)

10. Was your water right determined by State Engineer's order of Determination or Decree of Court?
(Yes or No) If so, give title of proceedings Ross Lumber Company

(Ross Lumber Company, Inc. is the same corporation. The name was changed to Olson-Lawyer Lumber Inc. under date of September 30, 1960.)
Ross Lumber Company, Inc./
(If not, give name)

11. Is the water right recorded in your name? No.
(Yes or No)

12. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
33 S.	2 E	10																
7 dom. units																		
<p>(The new places of use are more particularly described as that portion of the premises described in Exhibit A hereof lying South of the East and West center line of said Section 10, except for two units which, as indicated by the map marked Exhibit B to this application, are located substantially upon the said East and West center line of said Section 10.)</p>																		

(Attach separate sheet if necessary)

NOTE: Do not answer questions 13, 14, 15 and 16, if the application is not for change in point of diversion.

13. The proposed point of diversion is located ft. and ft. from the corner of being within the of Section Tp. R. W. M.,
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)
 in the county of The name of the ditch to be used is

14. Are you the owner of the land on which the proposed point of diversion is to be located?

15. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

16. Are there any diversions between your present point of diversion and the proposed point of diversion?

NOTE: Do not answer questions 17 and 18 if application is for change in point of diversion only.

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

18. If not, give below a description of existing encumbrances: None.

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

19. Reasons for the proposed changes are Relocation of Crater Lake Highway results in the taking of all but three of the houses and places of use of the domestic water under the above permit situated in the SE/4 of the NW/4 of said Sec. 10 and domestic water rights of .01 CFS perunit are being transferred to dwelling houses and domestic use situated in the NE/4 of the SW/4 of said Section 10 which are unaffected by said highway relocation.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

} ss.

I, Paul R. Doe, vice-president of Olson-Lawyer Lumber, Inc., 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 10th day of May, 1962.

Paul R. Doe (Name of applicant)

Subscribed and sworn to before me this 10th day of May, 1962.

[Notarial Seal]

Notary Public for Oregon

My commission expires June 27, 1964

Remarks

This application must be accompanied by a map showing the location of the point of diversion, place of use and works utilized under the present water right. The map should also show the new point of diversion or place of use, as the case may be.

Application for Transfer of Water Right

Name of applicant

Date filed

Date returned for further data

Date application completed

Date notice published

Date of hearing

Place of hearing

Date of final order
of State Engineer

Date of issuance of certificate
confirming change

Recorded in State Record of Water Right Certificates,
volume, page

Fees paid

Receipt No.



RECEIVED
MAY 21 1962
STATE ENGINEER
SALEM, OREGON

EXHIBIT "A"

TRACT A: Commencing at a point on the North and South center line of Section 10 in Township 33 South, of Range 2 East of the Willamette Meridian, in Jackson county, Oregon, 1895 feet South of the Northeast corner of the Northwest Quarter of said Section, for a true point of beginning and from said true point of beginning run thence West parallel with the North line of said Section 660 feet; thence South 85 feet; thence West 250 feet; thence South 1155 feet, more or less, to the Northerly side line of the Crater Lake Highway as now established; thence Northeasterly along the Northerly side line of said highway, to where said line intersects the North and South center line of said Section; thence North on said center line, to the true point of beginning.

Also commencing at a point on the North and South center line of Section 10, said Township and Range, from which the North Quarter corner of said Section 10 bears North $0^{\circ} 38' 10''$ West 1672.00 feet; thence South $89^{\circ} 54' 10''$ East to an intersection with the Westerly right of way line of Ulrich Road (county) in accordance with the datum taken from official road records of Jackson county, Oregon; thence Southerly along the Westerly right of way line of said Ulrich Road (county) in accordance with datum taken from said official road records of said county, to an intersection with the Northerly right of way line of Crater Lake Highway (Oregon No. 62); thence Southwesterly along said Northerly right of way line of said highway to an intersection with the North and South center line of said Section 10, said Township and Range; thence North $0^{\circ} 38' 10''$ West along said North and South center line of said Section 10, to point of beginning.

Excepting therefrom the following: Commencing at the center of said Section 10 being a $5/8$ inch bolt; thence North $89^{\circ} 36' 54''$ West, 271.89 feet to the center line of the Crater Lake Highway; thence North $45^{\circ} 46'$ West at right angles to said highway 40 feet to a $3/4$ inch pipe; thence North $44^{\circ} 14'$ East along the Northerly right of way line of said highway 51.53 feet to a $5/8$ inch iron pin, being the true point of beginning; thence continuing North $44^{\circ} 14'$ East 75 feet to a $5/8$ inch iron pin; thence North $45^{\circ} 46'$ West 68.04 feet to a $5/8$ inch iron pin; thence South $42^{\circ} 51' 20''$ West 75.02 feet to a $5/8$ inch iron pin; thence South $45^{\circ} 46'$ East 66.24 feet to the point of beginning.

Also excepting therefrom the following: Commencing at the center of said Section 10 being a $5/8$ inch iron bolt; thence North $89^{\circ} 36' 54''$ West, 271.89 feet to the center line of the Crater Lake Highway; thence North $45^{\circ} 46'$ West at right angles to said highway 40 feet to a $3/4$ inch pipe; thence North $44^{\circ} 14'$ East along the Northerly right of way line of said highway 126.53 feet to a $5/8$ inch iron pin, being the true point of beginning; thence continuing North $44^{\circ} 14'$ East 100 feet to a $5/8$ inch iron pin; thence North $45^{\circ} 46'$ West 70.45 feet to a $5/8$ inch iron pin; thence South $42^{\circ} 51' 20''$ West, 100.03 feet to a $5/8$ inch iron pin; thence South $45^{\circ} 46'$ East 68.04 feet to the point of beginning.

Also excepting therefrom the following: Commencing at the center of said Section 10 being a $5/8$ inch iron bolt; thence North $89^{\circ} 36' 54''$ West, 271.89 feet to the center line of the Crater Lake Highway; thence North $45^{\circ} 46'$ West at right angles to said highway 40 feet to a $3/4$ inch iron pipe; thence North $44^{\circ} 14'$ East along the Northerly right of way line of said highway 349.53 feet to a $5/8$ inch iron pin, being the true point of beginning; thence North $44^{\circ} 14'$ East 80 feet to a $5/8$ inch iron pin; thence North $45^{\circ} 46'$ West 75.33 feet to a $5/8$ inch iron pin; thence South $42^{\circ} 51' 20''$ West 80.02 feet to a $5/8$ inch iron pin; thence South $45^{\circ} 46'$ East 73.41 feet to the point of beginning.

Also excepting therefrom the following: Commencing at the center of said Section 10 being a 5/8 inch bolt; thence North 89° 36' 54" West, 271.89 feet to the center of Crater Lake Highway; thence North 45° 46' West at right angles to said highway 40 feet to a 3/4 inch iron pipe; thence along said Northerly right of way line of said highway North 44° 14' East 429.53 feet to a 5/8 inch iron pin, being the true point of beginning; thence continuing along said line North 44° 14' East 60 feet; thence North 45° 46' West 76.77 feet; thence South 42° 51' 20" West 60.02 feet to a 5/8 inch iron pin; thence South 45° 46' East 75.33 feet to the point of beginning.

Also excepting therefrom the following: A parcel of land lying in Section 10, Township 33 South, Range 2 East, W. M., Jackson county, Oregon, and being a portion of that property described in those deeds to Ross Lumber Company, Inc., recorded in Book 438, Page 101 and in Book 452, Page 116, and in that deed to Ross and DeArmond Lumber Co., recorded in Book 272, Page 348, of Jackson County Records of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on each side of the center line of the Crater Lake Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 807 plus 14.15, said Station being 1706.35 feet South and 1489.84 feet West of the West quarter corner of Section 10, Township 33 South, Range 2 East, W. M.; thence on a spiral curve left (the long chord of which bears South 86° 55' East) 200 feet; thence on a 1909.86 foot radius curve left (the long chord of which bears North 75° 43' 30" East) 1023.89 feet; thence on a spiral curve left (the long chord of which bears North 58° 22' East) 200 feet; thence North 57° 22' East, 3700.69 feet to Station 858 plus 38.73.

Said center line crosses the West and East lines of said property approximately at Engineer's center line Stations 843 plus 45 and 855 plus 35, respectively.

The widths in feet of the strip of land above referred to are as follows:

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width on Northwesterly Side of Center Line</u>	<u>Width on Southeasterly Side of Center Line</u>
840 plus 00		845 plus 00	75	75
845 plus 00		846 plus 00	75 taper to 85	75 taper to 80
846 plus 00		853 plus 00	85	80
853 plus 00		854 plus 00	85 taper to 75	80
854 plus 00		858 plus 38.73	75	80

TRACT B: Beginning at the Northeast corner of the Northeast Quarter of the Southwest Quarter of Section 10 in Township 33 South, of Range 2 East of the Willamette Meridian in Jackson county, Oregon; thence South 100 feet along the East line of the said Northeast Quarter of said Southwest Quarter; thence West to the Southeasterly line of the Crater Lake highway as now established; thence North 43° 57' East along the said highway line to the North and South center line of said Section 10; thence South along said Center line to the point of beginning.

RECEIVED
JUL 18 1963
STATE ENGINEER
SALEM, OREGON

NOTICE OF COMPLETE APPLICATION OF WATER TO
BENEFICIAL USE

Transfer No. 0-36

I, Olson-Lawyer Lumber, Inc., hereby certify
that the water has been applied to the lands to which the water right
was transferred by an order of the State Engineer dated 7/2/62,
approving an application for a change in place of use of water from
Mill Creek.

OLSON-LAWYER LUMBER, INC.

Date July 16, 1963

By Paul P. Doe
(Signature) *Gen mgmt*

STATE OF OREGON
WATER RESOURCES DEPARTMENT

OFFICE OF
WATER MASTER DISTRICT NO. 15
JACKSON COUNTY COURT HOUSE
MEDFORD, OREGON
May 28, 1962

RECEIVED
MAY 29 1962
STATE ENGINEER
SALEM, OREGON

Mr. Chris L. Wheeler
State Engineer
516 Public Service Building
Salem 10, Oregon

Attention: Mr. Max F. Rogers, Deputy

Dear Mr. Rogers:

With reference to your letter of May 24, 1962, Transfer No. O-36, concerning an application in behalf of the Olson-Lawyer Lumber Company, Inc. for a change in place of use of water.

Please be advised that it is my opinion that this proposed change in place of use may be made without injury to existing rights. Also enclosed please find the application and map.

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, Dist. #13

DCH:pg

enclosures