

# STATUS OF APPLICATION

Change in Point of Diversion  
 Date filed May 7, 1969  
 Date of hearing August 19, 1969  
 Place of hearing Grants Pass, Ore.  
 Date of order 8-22-69 Vol. 18, page 460  
 Date for application of water 10-1-70  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued MAR 5 1975 Vol. 33, page 41783  
 To Summary May 1, 1970  
 CSE

# DESCRIPTION OF WATER RIGHT

Name of stream Slate Creek  
 Trib. of \_\_\_\_\_ County of Josephine  
 Use Irrigation  
 Quantity of water 0.34 cfs No. of acres 17<sup>0</sup>  
 Name of ditch Lovelace Jones  
 Date of priority 1892  
 In name of Elmer B Kerr  
Roque River Adjudication, Vol. 4, page 24 col. 1  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 16260  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by sh

# REMARKS

5219 Joseph J. Summers  
 8940 Redwood Hwy  
 Wilderville, Ore.

5219 (→ T2034)

# FEES PAID

| Date          | Amount        | Receipt No.      |
|---------------|---------------|------------------|
| 5-7-69        | 25.00         | 14204            |
| 5-7-69 P.O.N. | 30.00         | 14205            |
| TOTAL . . .   |               |                  |
| 7-10-69       | \$1 Cert. Fee | From Pub. Notice |
| 2-12-75       | 1.50          | 45216            |

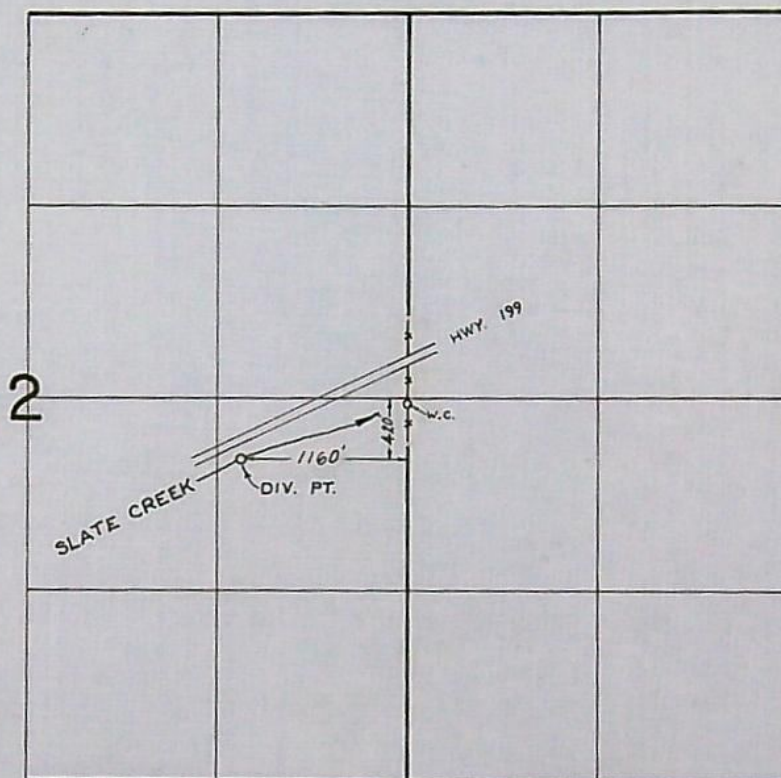
# FEES REFUNDED

| Date    | Amount             | Check No. |
|---------|--------------------|-----------|
| 7-10-69 | \$5.90 Pub. Notice | 3158      |

ARCHIVE AFTER 1985

| TO BE ENTERED WHERE CHECKED         | INDEX CARDS         | Entered                             | Checked                             |
|-------------------------------------|---------------------|-------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | Name                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Stream              | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Pt. of Div.         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Calendar            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | CHECKED TO RECORDS: |                                     |                                     |
| <input checked="" type="checkbox"/> | Twp. & Rge.         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Deed-Grant          | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Deed-Grant          | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Ord. of W/R         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Per. Holder         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Chambers            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Cross Ref.          | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Power Claim         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Abstracts           | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

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



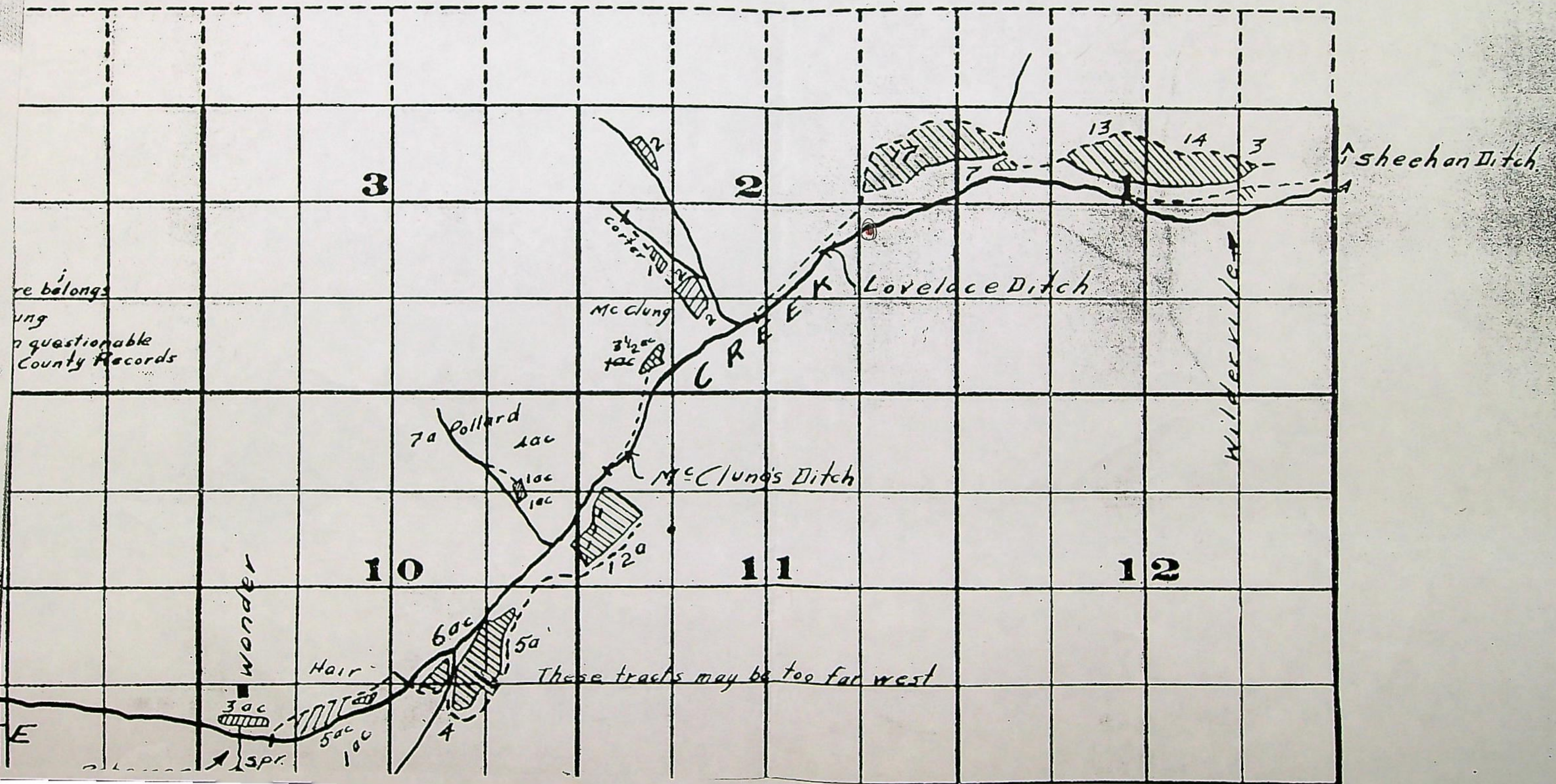
**FINAL PROOF SURVEY**  
UNDER

Application No. \_\_\_\_\_ Transfer No. S-219  
Permit No. \_\_\_\_\_  
IN NAME OF

GROVE E. JOHNSON

Surveyed MAY 21, 1974, by L. E. GOULD

T37S  
Range 7W.



CHARLES WOELFFLE, — See Paragraph 7.

J. W. YORK, Murphy, Ore., (Proof 739, Vol. 10); Priority Feb., 1899; 1.1 second foot; for Irrigation of 55 acres; North Side ditch; Description of place of use: 20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 25 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; 4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 36; Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon.

W. B. YORK, and HEIRS OF HENRY YORK, Dec'd., (By W. B. York, Murphy, Ore.,) (Proof 740, 741, Vol. 10); Priority Feb., 1899; 1.9 second foot; for Irrigation of 95 acres; North Side ditch; Description of place of use: 13 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; 30 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 36; 4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; 14 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 28 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; 6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 36; Tp. 37 S. R. 5 W. W. M., Josephine County, Oregon.

**SLATE CREEK,**

A Tributary of Applegate River.

J. J. BROWN, Wonder, Ore., (Proof 742, Vol. 11); Priority 1892; 0.32 second foot; for Irrigation of 16 acres, Domestic and Stock use; Brown ditch; Description of place of use: 4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; 12 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; Sec. 11; Tp. 37 S. R. 7 W. W. M., Josephine County, Oregon. C. FENNER, — See Paragraph 7.

MARY M. HAIR, Grants Pass, Ore., and JENNIE M. KEMP, 1730 Chicago, Ave., Evanston, Ill. Proof 743, Vol. 11); Priority 1892; 0.25 second foot; for Irrigation of 10 acres, and Domestic and Stock use; Brown ditch; Description of place of use: 1 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 10, Tp. 37, S. R. 7 W. W. M., Josephine County, Oregon. (See also Paragraph 7).

HANNAH D. JONES, Wilderville, Ore., Proof 744, Vol. 11); Priority 1870; 0.54 second foot; for Irrigation of 27 acres; Lovelace Jones ditch; Description of place of use: 14 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 13 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; Sec. 1; Tp. 37 S. R. 7 W. W. M., Josephine County, Oregon. (See also Paragraph 7).

ELMER B. KERR, care John D. Kerr, Agent, Wilderville, Ore., Seattle, Wash., (Proof 745, Vol. 11); Priority 1892; 0.34 second foot; for Irrigation of 17 acres; Lovelace Jones ditch (permissive); Description of place of use: 17 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; Sec. 2; Tp. 37 S. R. 7 W. W. M., Josephine County, Oregon.

I. C. LOUDEN, Wonder, Oregon., (Proof 746, Vol. 11); Priority 1892; 0.34 second foot; for Irrigation of 16 acres, and Domestic and Stock use; Brown ditch; Description of place of use: 12 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; 4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 10; Tp. 37 S. R. 7 W. W. M., Josephine County, Oregon. (See also Paragraph 10).

H. H. MCCLUNG, See Paragraph 7.

OLIVER MORRISON, Wilderville, Ore., (Proof 748, Vol. 11); Priority 1898; 0.25 second foot; for Irrigation of 10 acres; Lovelace-Jones ditch permissive; Description of place of use: 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; Sec. 1; Tp. 37 S. R. 7 W. W. M., Josephine County, Oregon.

ANDREW E. SHEEHAN, Wilderville, Ore., (Proof 749, Vol. 11); Priority 1892; 0.54 second foot; for Irrigation of 27 acres; Slate Creek or Sheehan ditch; Description of place of use: 11 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 31, Tp. 36 S. R. 6 W. W. M., 16 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; Sec. 6, Tp. 37 S. R. 6 W. W. M., Josephine County, Oregon (See also Paragraph 7).

E. T. MCKINSTRY, Grants Pass, Ore., (Proof 760, Vol. 11); Priority Oct. 31, 1895; 0.18 second foot; for Irrigation of 7 acres; Bush Ranch ditch; Description of place of use: 3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 1 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 18, Tp. 37 S. R. 7 W. W. M., Josephine County, Oregon. (See also Paragraph 7).

MAY SLOAN, Wonder, Ore., (Proof 761, Vol. 11); Priority 1896; 0.25 second foot; for Irrigation of 10 acres, and Domestic use; Benefiel ditch; Description of place of use: 10 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$ ; Sec. 12, Tp. 37 S. R. 8 W. W. M., Josephine County, Oregon.

**UNNAMED GULCH,**

A Tributary of Slate Creek.

MRS. LENA COOPER, Grants Pass, Ore., (Proof 750, Vol. 11); Priority July 15, 1882; 0.30 second foot; for Irrigation of 15 acres; Cooper ditches; Description of place of use: 15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 36; Tp. 36 S. R. 7 W. W. M., Josephine County, Oregon. (See also Paragraph 7).

**CHAPIN CREEK,**

A Tributary of Slate Creek.

ANDREW E. SHEEHAN, Wilderville, Ore., (Proof 751, Vol. 11); Priority 1885; 0.05 second foot; for Irrigation of 2 acres, and Domestic and Stock use; Sheehan ditch and pipe; Description of place of use: 2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 31; Tp. 36 S. R. 6 W. W. M., Josephine County, Oregon. (See also Paragraph 7).

**ELLIOTT CREEK,**

A Tributary of Slate Creek.

ADAM T. CART, — See Paragraph 7).

**LITTLE WATER CREEK,**

A Tributary of Slate Creek.

T. A. POLLARD & O. C. POLLARD, Wonder, Ore., (Proof 753, Vol. 11); Priority Dec. 15, 1898; 0.25 second foot; for Irrigation of 10 acres, and Domestic use; Pollard ditch; Description of place of use: 4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; 6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; Sec. 10; Tp. 37 S. R. 7 W. W. M., Josephine County, Oregon.

**WONDER MOUNTAIN GULCH,**

A Tributary of Slate Creek.

J. T. ROBERSON, — See Paragraph 7.

**LEFT FORK OF SLATE CREEK,**

A Tributary of Slate Creek.

GUSTAV A. KARNER, Grants Pass, Ore., (Proof 759, Vol. 11); Priority 1903; 0.40 second foot; for Irrigation of 20 acres, and Domestic and Stock use; Ramsey ditch; Description of place of use: 4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 13 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; 3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 12; Tp. 37 S. R. 8 W. W. M., Josephine County, Oregon. (See also Paragraph 7).

VICTOR W. BROWN & E. B. YOUNG, R. F. D. No. 1, Grants Pass, Ore. (Proof 756, Vol. 11); Priority Oct. 31, 1895; 0.82 second foot; for Irrigation of 55 acres;

Bush ditch; Description of place of use: 15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; 30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 18; Tp. 37 S. R. 7 W. W. M., Josephine County, Oregon.

**BUTCHER KNIFE CREEK,**

A Tributary of Slate Creek.

EFFIE O. HARMON, Wonder, Oregon (Proof 762, Vol. 11); Priority 1892; 0.1 second foot; for Irrigation of 5 acres, and Domestic use; Love Station ditch; Description of place of use: 5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ ; Sec. 19; Tp. 37 S. R. 7 W. W. M. Josephine County, Oregon.

**WATER CREEK,**

A Tributary of Slate Creek.

C. H. HALL, — See Paragraph 7.

**KNIGHT'S GULCH,**

A Tributary of Applegate River.

J. FRANK MASTEN, Wilderville, Ore. Proof 763, Vol. 11); Priority Mar. 25, 1902; 0.25 second foot; for Irrigation of 15 acres, and Domestic use; Creek ditch; Description of place of use: 15 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 6, Tp. 37 S. R. 6 W. W. M., Josephine County, Oregon.

**CHANNEY CREEK,**

A Tributary of Applegate River.

CARL FETSCH, Wilderville, Ore. (Proof 764, Vol. 11); Priority 1896; 0.2 second foot; for Irrigation of 10 acres; Fetsch ditch; Description of place of use: 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; Sec. 23, Tp. 37 S. R. 7 W. W. M., Josephine County, Oregon.

A. LINDSAY, Wilderville, Ore. (Proof 765, Vol. 11); Priority July 5, 1884; 0.42 second foot; for Irrigation of 25 acres; Lindsay ditch; Description of place of use: 8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; 1 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; Sec. 18; Tp. 37 S. R. 6 W. W. M., Josephine County, Oregon. (See also Paragraph 7).

JOHN LLOYD, Wilderville, Ore., (Proof 766, Vol. 11); Priority April 11, 1894; 0.22 second foot; for Irrigation of 1 acre, and Domestic use; Griffin ditch; Description of place of use: 7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 13; 4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 14, Tp. 37 S. R. 7 W. W. M., Josephine County, Oregon. (See also Paragraph 7).

C. H. McCANN, Wilderville, Ore. (Proof 768, Vol. 11); Priority Dec. 15, 1893; 0.10 second foot; for Irrigation of 4 acres; McCollum & McCann ditch, 1-1 int.; Description of place of use: 1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 1 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; Sec. 18; 2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 7; Tp. 37 S. R. 6 W. W. M., Josephine County, Oregon. (See also Paragraph 7).

J. W. McCOLLUM, Wilderville, Ore. (Proof 769, Vol. 11); Priority Dec. 15, 1893; 0.70 second foot; for Irrigation of 41 $\frac{1}{2}$  acres; McCollum & McCann, 2-3 int. Description of place of use: 7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; 5 $\frac{1}{2}$  acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 7; 29 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 8; Tp. 37 S. R. 6 W. W. M., Josephine County, Oregon. (See also Paragraph 7).

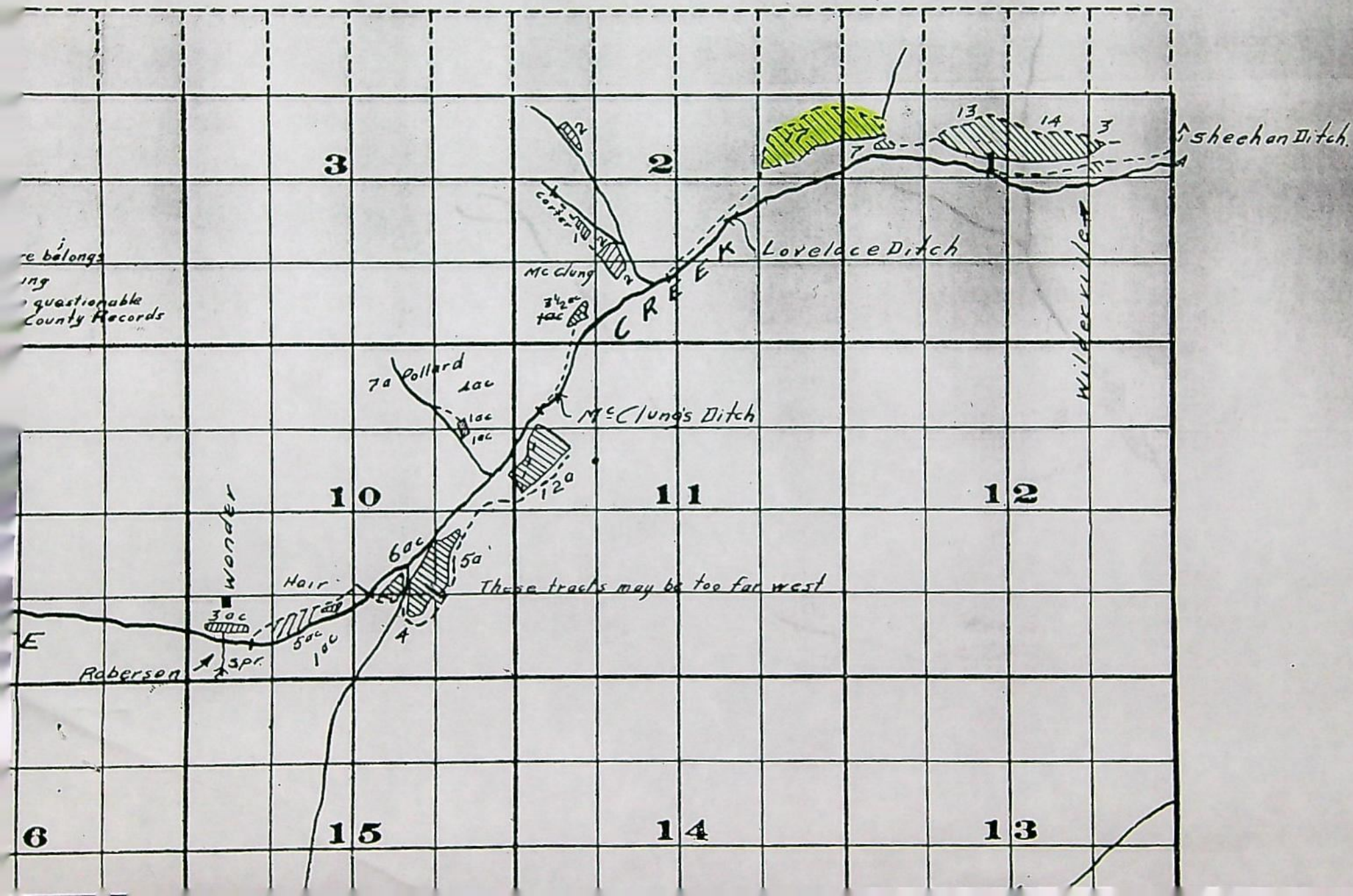
PAUL RUTTENCUTTER, — See Paragraph 7.

**SMALL GULCH,**

A Tributary of Chaney Creek.

BRICH BRICKSON, Wilderville, Ore. (Proof 771, Vol. 11); Priority 1895; 0.05

T37S  
Range 7W.



**STATE ENGINEER'S RECEIPT**  
**STATE OF OREGON**

Salem, Ore., 2-12-75

Appl. ☐ S-219  
Per. ☐  
Trsf. ☒

Received from Grove E. Johnson

\$ 50 Cash ☐ M.O. ☐ Check ☒

**Examination fees:**

Surface water ..... \$ \_\_\_\_\_  
Ground water ..... \$ \_\_\_\_\_  
Transfer ..... \$ \_\_\_\_\_

**Recording fees:**

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

**Miscellaneous fees:**

Blueprinting ..... ☐  
Copying ..... ☐  
Certification ..... ☐ \$ \_\_\_\_\_  
Misc. Recording ..... ☐  
Protest ..... ☐  
Extension of time ..... ☐

Publication of notice ..... \$ \_\_\_\_\_

Quadrangle account ..... \$ \_\_\_\_\_

Adjudication fee ..... \$ \_\_\_\_\_

Power license fee ..... \$ \_\_\_\_\_

Hydroelectric license fee ..... \$ \_\_\_\_\_

**Water Well Construction:**

Exam. \$ \_\_\_\_\_ Lic. \$ \_\_\_\_\_

**Certificate Recording fees:**

Transfer \$ 50

All other.

\$ \_\_\_\_\_

**45216**

STATE ENGINEER

By Candy Porter



Robert W. Straub

~~XXXXXXXXXX~~  
GOVERNOR

CHRIS L. WHEELER  
State Engineer

## STATE ENGINEER

### WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

RECEIVED  
FEB 12 1975  
STATE ENGINEER  
SALEM, OREGON

File No. S-219

February 6, 1975

Grove E. Johnson  
8940 Redwood Highway  
Wilderville, OR 97543

Dear Mr. Johnson:

We are prepared at this time to issued the confirming certificate in connection with your transfer numbered S-219, which is for a change in point of diversion from Slate Creek.

Before the certificate can be issued, we must request the additional certificate recording fee of 50¢.

If you would please submit 50¢ to the address shown above along with a note indicating certificate recording fee in regard to transfer numbered S-219, we will take action towards the issuance of the certificate.

Very truly yours,

VESTAL R. GARNER  
Assistant

VRG:tml

1056

## STATE OF OREGON

COUNTY OF JOSEPHINE

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That Grove E. Johnson  
~~Elmer B. Kerr~~  
 of 8940 Redwood Hwy wilderville, State of Oregon 97543  
~~Seattle~~ ~~Washington~~, has a right to the use of  
 the waters of Slate Creek, a tributary of Applegate River  
 for the purpose of irrigation of 17.0 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
 Jackson County, and the said decree entered of record at Salem, in the Order Record of  
 the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby  
 confirmed dates from 1892;

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 0.34 cubic foot per  
 second.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,  
 if for other purposes, the place where such water is put to beneficial use), is as follows:

17 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$   
 Section 2,  
 T. 37 S., R. 7 W., W. M.

D.W. PT.: - NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 2 T. 37 S. R. 7 W. W.M.  
 420 ft. S. & 1160 ft. W. from E $\frac{1}{4}$  Cor Sec. 2

This certificate is issued to confirm a change in Pt. of Div. approved by an order  
 of the State Engineer entered Aug. 22, 1969, and supersedes certificate of water right  
 heretofore issued to Elmer B. Kerr and recorded at page 16260, Volume 13,  
 State Record of Water Right Certificates.

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 30 day of September, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16260

Robert W. Straub  
XXXXXXXXXX

S-219

February 6, 1975

Grove E. Johnson  
8940 Redwood Highway  
Wilderville, OR 97543

Dear Mr. Johnson:

We are prepared at this time to issued the confirming certificate in connection with your transfer numbered S-219, which is for a change in point of diversion from Slate Creek.

Before the certificate can be issued, we must request the additional certificate recording fee of 50¢.

If you would please submit 50¢ to the address shown above along with a note indicating certificate recording fee in regard to transfer numbered S-219, we will take action towards the issuance of the certificate.

Very truly yours,

VESTAL R. GARNER  
Assistant

VRG:tml

need  
50 &  
more

C-date 10/1/70

MAY 4 1970

WM. DIST. 14  
GRANTS PASS, ORE

New Owner

GROVE E. JOHNSON  
8940 REDWOOD HIGHWAY  
WILDERVILLE, ORE. 97543

County Josephine

1. Name Joseph J. Summers Address 8940 Redwood Hwy., Wilderville, Ore.
2. Source of Supply Slate Creek, Trib. of ----
3. Amount of Water 0.34 cfs Priority Date 1892
4. Use Irrigation
5. Proposed Point of Diversion 400 ft. S & 1350 ft. E from the center of Sec. 2  
being within the NE¼ SE¼ of Sec. 2, T. 37 S., R.  
7 W., W.M.
6. Place of Use -----

[illegible]

Info: Mr. Grove E. Johnson (New Owner)

Div. PT.: Deep hole in State Creek.

Pump: 10 H.P. G. E., 3 ph., 3530 R.P.M.  
Dir. Dr. Cornell Cent. 2" x 2 1/2"

Pipe: 5000' 4" Alum.  
10,800' 3" " "

Heads 180 R.B. #30 -  $\frac{3}{16}$ .

50 Heads op. at one time max.

Lift: Suction 8' Disch 10'-15'

Crop: Pasture, lawn & garden.

Tie: To W.C. (B.C.) located approx. 40' S. from  
E. 1/4 Cor. Sec. 2.

Note: Mr. Johnson said he is sole owner of  
this prop. now.

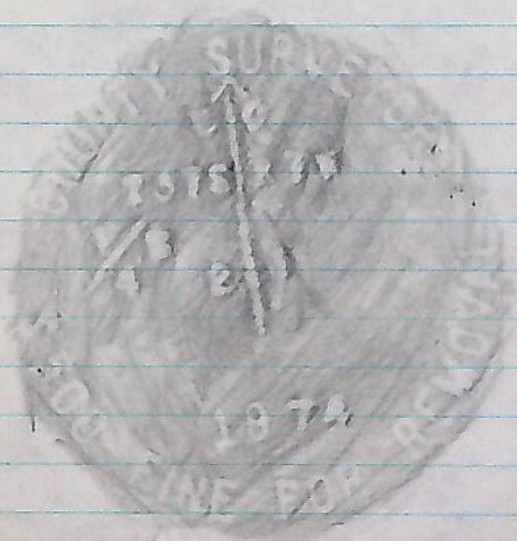
$$\text{pump cap} = \frac{10 \times 6.6}{157 + 70 + 20} = 18 \text{ cfs}$$

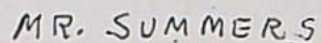
40' H.L. in Lat  
17' H.L. in H.L.  
70' H.L. (top of land)  
H.L. cap =  
840 psi

May 21, 1974, L. E. Gould  
Field Engineer

W C  
T375 R7W

$\frac{1}{4}$  S 2.1





RECEIVED  
APR 28 1969

STATE ENGINEER  
SALEM, OREGON

RECEIVED

MAY 4 1970

WM. DIST. 14  
GRANTS PASS, OR

TWP 37S R 7 W W M  
SEC. 2

CENT  
2

1350

400'

JONES

LOVELACE DITCH

30871'  
600  
1.0 AC  
30871'

HWY DIV

SLATE CR

SLATE CR

SLATE CR

SCALE 1" = 400'

MR. SUMMERS

**RECEIVED**  
APR 28 1969  
STATE ENGINEER  
SALEM, OREGON

S-219

Ed

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF JOSEPH J. SUMMERS FOR THE AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM SLATE )  
CREEK )

ORDER APPROVING  
TRANSFER NO. S-219

-----  
On May 7, 1969, Joseph J. Summers filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Slate Creek, 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 Elmer B. Kerr for the use of the waters of Slate Creek for the irrigation of 17.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 2, Township 37 South, Range 7 West, W.M., with a date of priority of 1892. This right is evidenced by certificate recorded at page 16260, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Love-Jace Jones ditch from a point of diversion located 1020 feet north and 2480 feet east from the SW corner of Section 2 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 37 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 400 feet south and 1350 feet east from the center of Section 2 being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, Township 37 South, Range 7 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections

to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Grants Pass, Oregon, on August 19, 1969, at 9:30 a.m. The notice was published in The Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of June 23, 30, and July 7, 1969. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Slate Creek, to-wit:

From a point located 1020 feet north and 2480 feet east from the SW corner of Section 2 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 37 South, Range 7 West, W.M.

To a point to be located 400 feet south and 1350 feet east from the center of Section 2 being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, Township 37 South, Range 7 West, W.M.

for the irrigation of 17.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 2, Township 37 South, Range 7 West, W.M., with a date of priority of 1892, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1970.

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

available at the old point of diversion and shall not exceed 0.34 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Elmer B. Kerr and recorded at page 16260, Volume 13, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Joseph S. Summers confirming said change in point of diversion.

Dated at Salem, Oregon, this 22nd day of August, 1969.

/s/ CHRIS L. WHEELER  
State Engineer

**RECEIVED**  
MAY 20 1969  
STATE ENGINEER  
SALEM, OREGON

500  
38.20 Ac.

5

900  
16.00 Ac.

500

700  
7.00 Ac.

700

SEE MAP 3771

DITCH

HWY.

RAILROAD

800  
82.95 Ac.

1000  
3.2 Ac

1400  
4.24 Ac

1401  
35.00 Ac

IONED  
CREEK

Fd. 440r.  
CS 163-63

37711

2

1

11

12

S-219

May 1, 1970

Mr. Joseph J. Summers  
8940 Redwood Hwy.  
Wilderville, Oregon 97543

Dear Mr. Summers:

I have your notice advising that construction work has been completed as required in our order approving your application for a change in point of diversion of water from Slate Creek.

In line with the general practice of this office, a survey will be made at a later date.

Very truly yours,

Trevor Jones  
Assistant

slv

S-219

September 8, 1969

Mr. Joseph J. Summers  
8940 Redwood Highway  
Wilderville, Oregon 97543

Dear Mr. Summers:

Enclosed is a certified copy of the order of the State Engineer entered August 22, 1969, approving your application for a change in point of diversion of water from Slate Creek.

Also enclosed is a notice of completion of construction which should be dated, signed and returned to this office when the change in point of diversion has been completed. According to the terms of the order, this should be done on or before October 1, 1970.

Very truly yours,

James Jones  
Assistant

**INSTRUCTIONS TO DELIVERING EMPLOYEE**

☐ Show to whom, date, and  
address where delivered ☐ Deliver ONLY  
to addressee  
(Additional charges required for these services)

**RECEIPT**

Received the numbered article described below.

REGISTERED NO. SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO. 54057  
INSURED NO. SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED SHOW WHERE DELIVERED (only if requested)

slh S-219

S-219

September 8, 1969

Mr. Joseph J. Summers  
8940 Redwood Highway  
Wilderville, Oregon 97543

Dear Mr. Summers:

Enclosed is a certified copy of the order of the State Engineer entered August 22, 1969, approving your application for a change in point of diversion of water from Slate Creek.

Also enclosed is a notice of completion of construction which should be dated, signed and returned to this office when the change in point of diversion has been completed. According to the terms of the order, this should be done on or before October 1, 1970.

Very truly yours,

Trevor Jones  
Assistant

CERTIFIED - Return Receipt Requested

slh

Enclosures

cc: Mr. Robert B. Steimer  
Watermaster District No. 14

STATE DEPARTMENT  
OFFICE OF THE STATE ENGINEER  
SALEM, OREGON

TO  
RETURN  
1969  
SEP  
9

AND NO. OR P.O. BOX

OFFICE, STATE, AND ZIP CODE

SENDER

PT REQUESTED.

Instructions: Show name and address below and return to front of article RETURN

PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF \$20.00

S-219

RECEIVED  
JUL 10 1969

TELEPHONE 476-4417

TREET

RECEIVED

JUL 22 1969

Courier Publishing Company

STATE ENGINEER  
SALEM, OREGON

STATE ENGINEER  
SALEM, OREGON

PUBLISHERS: THE DAILY COURIER  
Grants Pass, Oregon 97526

DATE July 7<sup>th</sup> 1969

State of Oregon  
State Engineer Water Resources Dept.  
516 Public Serv. Bldg.  
Salem, Oregon 97310

Your account with us is as follows:

Publishing a NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF  
DIVERSION OF WATER on June 23, 30 and July 7, 1969

COURIER PUBLISHING CO.

\$23.10

JUL 21 1969

By

K3

S-219

July 11, 1969

Mr. Joseph J. Summers  
8940 Redwood Highway  
Wilderville, Oregon 97543

Dear Mr. Summers:

Publication of notice in connection with your transfer No. S-219 amounted to \$23.10, leaving an unused balance of your \$30.00 deposit for that purpose in the amount of \$6.90.

The order, when entered, will require the issuance of a new certificate of water right confirming the change in point of diversion. We have withheld \$1.00 from the balance of your deposit to cover the cost of having this certificate recorded in the Josephine County records.

Our check No. 3158 covering the unused balance of \$5.90 is enclosed.

Very truly yours,

Trevor Jones  
Assistant

slh

Enclosure

S-219  
T-84

July 11, 1969

Courier Publishing Company  
Grants Pass, Oregon 97526

Gentlemen:

Enclosed is our check No. 3157 in the amount of \$23.10  
in payment of your statement of July 7, 1969.

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

We also received an affidavit of publication for a notice  
of filing application for a change in point of diversion of water  
in the name of Bobbie O. Taylor which was published on June 25, July  
2 and 9, 1969. However, we received no statement for this notice.  
Upon receipt of the statement, a check will be sent to your company.

Very truly yours,

Trevor Jones  
Assistant

slh

Enclosures

RECEIVED  
JUL 10 1969

AFFIDAVIT OF PUBLICATION STATE ENGINEER  
SALEM, OREGON

LEGAL NOTICE

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Joseph S. Summers has filed an application for the approval of a change in point of diversion of water from Slate Creek.

In the Rogue River Adjudication proceedings a water right was established in the name of Elmer B. Kerr for the use of the waters of Slate Creek for the irrigation of 17.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 2, T. 37 S., R. 7 W., W.M., with a date of priority of 1892.

These lands are irrigated by means of the Lovelace Jones Ditch from a point of diversion located 1020 ft. N and 280 ft. E from the SW corner of Sec. 2 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 2, T. 37 S., R. 7 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 400 ft. S and 1350 ft. E from the center of Sec. 2 being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 2, T. 37 S., R. 7 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on August 19, 1969, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any objections shall be prepared in writing, one copy to be served on Joseph S. Summers, 8940 Redwood Highway, Wilderville, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 16th day of June, 1969.

CHRIS L. WHEELER

State Engineer

No. 98—Mon. 7-7-69

State of Oregon }  
County of Josephine } ss.

I, Charles J. Moore, being

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

NOTICE OF FILING APPLICATION FOR A printed copy of  
CHANGE IN POINT OF DIVERSION OF WATER

which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following

issues June 23 and 30, 1969 & July 7, 1969

Charles J. Moore  
Subscribed and sworn to before me this 7th day of

July, 19 69

A. Kathleen Zahner  
Notary Public of Oregon.

My commission expires 4th day of February, 19 72

No. ....

In the.....Court of the

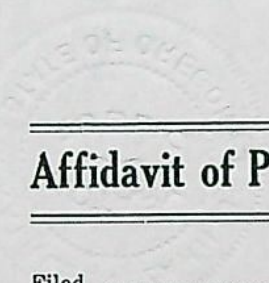
STATE OF OREGON

for the

COUNTY OF JOSEPHINE

---

---



---

---

## Affidavit of Publication

---

---

Filed ....., 19 ....

.....  
Clerk.

By .....  
Deputy.

---

---

From the Office of

.....  
Attorney for .....

WATERMASTER DISTRICT NO. 14

525 NW 5TH STREET

GRANTS PASS 97526

TEL. 476-6828



STATE OF OREGON

STATE ENGINEER

WATER RESOURCES DEPARTMENT

June 17, 1969

**RECEIVED**  
JUN 19 1969

STATE ENGINEER  
SALEM, OREGON

WATER DISTRIBUTION  
HYDROGRAPHIC SURVEYS  
SNOW SURVEYS

REFER TO  
FILE NO. S-219

Chris L. Wheeler  
State Engineer  
Salem, Oregon

Att: Trevor Jones, Asst.

Dear Trevor:

In my opinion the new point of diversion in the name of Joseph Summers on Slate Creek to a point in Section 2 of Township 37 South, Range 7 West, W.M. may be made without injury to existing rights.

Pumping provision #2 should be incorporated in the order.

Very truly yours,

*Robert B. Steimer*

Robert B. Steimer  
Watermaster, District #14

RBS:dc

S-219

June 16, 1969

The Courier  
Grants Pass, Oregon 97526

Gentlemen:

Enclosed is a notice for publication in the June 23, 30  
and July 7, 1969 issues of your newspaper.

If, for any reason, you cannot publish this notice on the  
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.

Very truly yours,

Trevor Jones  
Assistant

slh

Enclosure  
cc: Joseph J. Summers

S-219

June 16, 1969

Mr. Robert B. Steimer  
Watermaster District #14  
525 N.W. 5th Street  
Grants Pass, Oregon 97526

Dear Mr. Steimer:

Enclosed is a copy of notice for publication in the June 23 and 30 and July 7, 1969 issues of the Courier.

Would you please advise if, in your opinion, the proposed change in point of diversion may be made without injury to existing rights and which provision for the installation of measuring devices you feel should be incorporated in the order. Thank you.

Very truly yours,

Trevor Jones  
Assistant

slh

Enclosure

May 19-1969

State Engineer

Water resources Dept.

**RECEIVED**  
MAY 20 1969

STATE ENGINEER  
SALEM, OREGON

Dear Sirs:-

According to specification  
the one acre is not included  
in the irrigation plans of  
the 17 acres.

Inclosing map showing  
the ditch and plans.

Yours truly  
Joseph J. Summers.

P.S.

Thanking you for your  
cooperation and prompt  
service.

Joseph J. Summers

S-219

May 16, 1969

Joseph J. Summers  
8940 Redwood Highway  
Wilderville, Oregon 97543

Dear Mr. Summers:

This will acknowledge return of your application for a change in point of diversion for the use of water from Slate Creek, application map, fees of \$25 and deposit for publication of notice of \$30 for which our receipts No. 14204 and 14205 are enclosed.

This application is in satisfactory form and has been filed as transfer No. S-219. However, a question of ownership of the lands involved needs clarification.

Item No. 6 indicates that you are the owner of the entire 17 acres as described in certificate No. 16260, however, your application map indicates a 1-acre tract of land within the area of the water right.

Upon receipt of clarification of the ownership of the lands involved we shall further process your application.

Very truly yours,

Wayne J. Overcash  
Assistant

WJO:hls  
Enclosures

-30-



STATE OF OREGON

STATE ENGINEER

WATER RESOURCES DEPARTMENT

516 PUBLIC SERVICE BUILDING

SALEM 97310

REFER TO  
FILE NO. \_\_\_\_\_

May 5, 1969

Joseph J. Summers  
8940 Redwood Highway  
Wilderville, Oregon 97543

Dear Mr. Summers:

Your application for a change in point of diversion for the use of water from Slate Creek was not accompanied by the necessary fees, so could not be filed.

The fees required for this application are \$25.00. In addition, since the change is for more than one-quarter mile, there must be notice published of the intent to change the point of diversion and for this we will require a deposit of \$30.00. Any difference between the actual cost and the deposit will be refunded to you. Will you also give us your choice of newspapers published in Josephine County for publication of notice.

I am returning your application and map which should be resubmitted with the necessary fees and deposit for publication of notice. Will you also furnish us a legal description of your property as it would appear on a deed.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By *Wayne J. Overcash*  
Wayne J. Overcash  
Assistant

**RECEIVED**  
MAY 7 1969  
STATE ENGINEER  
SALEM, OREGON

WJO:hls  
Enclosures

*Dear Sir Please use the  
Daily Courier Grant Pass Oregon  
Very truly yours  
Joseph J. Summers*

Joseph J. Summers  
7940 Redwood Hwy.  
Wilderille Oregon 97543  
April 29-1970

State Engineer  
516 Public Service Bldg.  
Salem, Oregon. 97310

**RECEIVED**  
APR 30 1970  
STATE ENGINEER  
SALEM, OREGON

Dear Sirs:-

I have the point of diversion completed with sprinkler system, and, am now using the water to irrigate.

It was turned on yesterday April 28-1970 for a trial test.

Today April 29, I am using it for irrigating.

Sincerely

Joseph J. Summers  
7940 Redwood Hwy.  
Wilderille, Ore.

Joseph J. Summers

NOTICE OF FILING APPLICATION FOR A  
CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Joseph S. Summers has filed an application for the approval of a change in point of diversion of water from Slate Creek.

In the Rogue River Adjudication proceedings a water right was established in the name of Elmer B. Kerr for the use of the waters of Slate Creek for the irrigation of 17.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 2, T. 37 S., R. 7 W., W.M., with a date of priority of 1892.

These lands are irrigated by means of the Lovelace Jones Ditch from a point of diversion located 1020 ft. N and 2480 ft. E from the SW corner of Sec. 2 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 2, T. 37 S., R. 7 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 400 ft. S and 1350 ft. E from the center of Sec. 2 being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 2, T. 37 S., R. 7 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on August 19, 1969, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any objections shall be prepared in writing, one copy to be served on Joseph S. Summers, 8940 Redwood Highway, Wilderville, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 16<sup>th</sup> day of June, 1969.

CHRIS L. WHEELER  
State Engineer

RECEIVED  
APR 28 1969  
STATE ENGINEER  
SALEM, OREGON

RECEIVED  
MAY 7 1969  
STATE ENGINEER  
SALEM, OREGON

57-7-2

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, JOSEPH J. SUMMERS

(Name of applicant)

of 8940 REDWOOD HIGHWAY WILDERVILLE  
(Postoffice), County of JOSEPHINE

State of OREGON, do hereby make application for change IN POINT OF DIVERSION

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

1. The source of present water right is SLATE CREEK

(Name of stream)

2. The use to which the water is applied is IRRIGATION

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

3. The name of the ditch, canal or pipe line is LOVELACE JONES DITCH

4. The point of diversion is located 1020 ft. N and 2480 ft. E from the SW

(N. or S.)

(E. or W.)

corner of SEC 2 being within the SE 1/4 OF SW 1/4

(Section or subdivision)

of Section 2 Tp. 37S R. 7W W. M., in the County of JOSEPHINE

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

| Twp. | Range | Sec. | NE 1-4 |        |        |        | NW 1-4 |        |        |        | SW 1-4 |        |        |        | SE 1-4 |        |        |        |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |
| 37S  | 7W    | 2    |        |        |        | 17     |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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)

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

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? YES

8. What is the date of priority of your water right? 1892

9. Was your water right acquired by State Engineer's Permit? NO If so, give number

(Yes or No)

of permit

10. Do you hold a water right certificate? YES If so, give number of certificate 16260  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

YES If so, give title of proceedings ROGUE RIVER DECREE  
(Yes or No)

12. Is the water right recorded in your name? ELMER B KERR  
(If not, give name)

13. 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 $\frac{1}{4}$ |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 400 ft. S and 1350 ft. E from the CENTER  
corner of SEC 2 being within the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 2 Tp. 37S R. 7W W. M.,  
(Smallest legal subdivision) (N. or S.) (E. or W.)  
in the county of JOSEPHINE The name of the ditch to be used is PUMP PLANT  
(No. N. or S.) (No. E. or W.)

15. Are you the owner of the land on which the proposed point of diversion is to be located? NO

16. 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.

ROBERT D NELSON and MARJORIE J NELSON & STATE HIGHWAY

17. Are there any diversions between your present point of diversion and the proposed point of diversion? NO

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. 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)

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

| NATURE OF ENCUMBRANCE | HELD BY | AMOUNT |
|-----------------------|---------|--------|
|                       |         |        |
|                       |         |        |
|                       |         |        |

20. Reasons for the proposed changes are HIGHWAY CONSTRUCTION CHANGES

STATE ENGINEER  
RECEIVED

STATE ENGINEER  
RECEIVED

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Josephine } ss.

I, Joseph J. Summers, 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 25<sup>th</sup> day of April, 1969.

Joseph J. Summers  
(Name of applicant)

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 1969.

[Notarial Seal]

Gene Warner  
NOTARY PUBLIC FOR OREGON

My commission expires 9-20-70

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.