

2386 Clarence W. Ruch
11789 Williams Hwy
Grants Pass, Ore. 97526

2386

STATUS OF APPLICATION

Change in Point of Diversion
Date filed May 27, 1970
Date of hearing September 1, 1970
Place of hearing Grants Pass, Oregon
Date of order 10-30-70 Vol. 20, page 140
Date for application of water 10-1-71
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. 20, page 38790
To Survey 6/18/71

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
Trib. of — County of Josephine
Use Irrigation
Quantity of water 0.024 cfs No. of acres 1.5
Name of ditch Laurel Hill
Date of priority Feb, 1892
In name of C. A. Trumbly
Roque River Adjudication, Vol. 16, page 397
App. No. _____ Per. No. _____ Cert. No. 32843
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>5/27/70</u>	<u>25.00</u>	<u>18825</u>
<u>5/27/70</u>	<u>30.00</u>	<u>18826</u>
TOTAL . . .		
<u>7-23-70</u>	<u>\$2</u> \$1 Cert. Fee	<u>from Pub. 7 Not.</u>

FEES REFUNDED

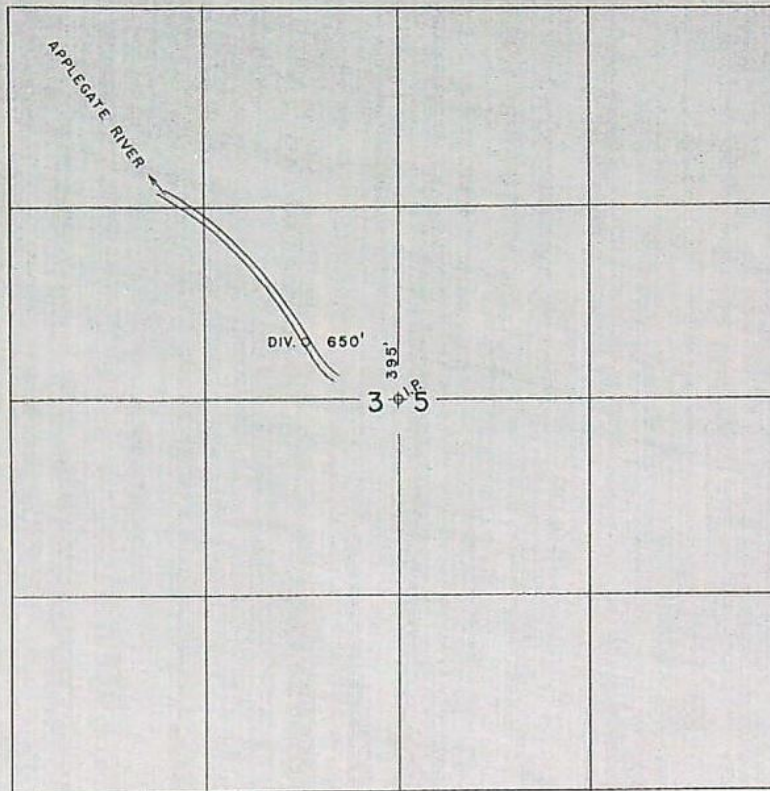
Date	Amount	Check No.
<u>10-9-79</u>	<u>.50</u>	<u>3847</u>
<u>7-23-70</u>	<u>\$5.33</u> Pub. 7 Not.	<u>3787</u>

REMARKS

See files 2357 & 2385 Order 2357 10-30-70 cancels Cert 32843

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Checked
	Entered		
<input checked="" type="checkbox"/> Name	<u>slu</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Stream	<u>slu</u>	<input type="checkbox"/>	
<input type="checkbox"/> Pt. of Div.	<u>slu</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Calendar	<u>slu</u>	<input type="checkbox"/>	
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/> Twp & Rge.	<u>slu</u>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Decree-vault	<u>slu</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Decree-safe	<u>slu</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Cert. of W/R	<u>slu</u>	<input type="checkbox"/>	
<input type="checkbox"/> Per. Folder	<u>slu</u>	<input type="checkbox"/>	
<input type="checkbox"/> Chainindex	<u>slu</u>	<input type="checkbox"/>	
<input type="checkbox"/> Cross Ref.	<u>slu</u>	<input type="checkbox"/>	
<input type="checkbox"/> Power Claim	<u>slu</u>	<input type="checkbox"/>	
<input type="checkbox"/> Abstracts	<u>slu</u>	<input type="checkbox"/>	

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



FINAL PROOF SURVEY
UNDER

Application No. _____ TRANS. Permit No. 2386
IN NAME OF

CLARENCE W. RUCH

Surveyed NOV. 8, 1972, by R. B. STEIMER

RECEIVED
NOV 14 1972
STATE ENGINEER
SALEM, OREGON

November 13, 1972

Final Proof Report:

Transfer 2386 in the name of Clarence W. Ruch,
11789 Williams Highway, Grants Pass, Oregon.

Water is used for irrigation.

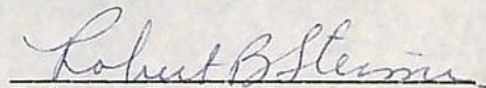
Point of diversion is located 395' N. and 650' W.
from the center of Section 35, being within the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 37 South, Range
5 West, W.M.

Pump is centrifugal with 1 $\frac{1}{4}$ " x 1" discharge, belt
driven with a 3" pulley on the pump and a 3"
pulley on the gasoline engine. The gasoline en-
gine is a 7 h.p. Briggs and Stratton.

120' - 1 $\frac{1}{2}$ " P.V.C.

540' - 1" P.V.C.

12 Rainbird sprinklers #25 with 5/32 nozzles.


Robert B. Steimer
Watermaster, Dist. #14

RBS:dc

Surveyed - 11-8-72 BJS

6. Place of Use ---

[illegible]

WM. DIST. 14
GRANTS PASS, ORE.

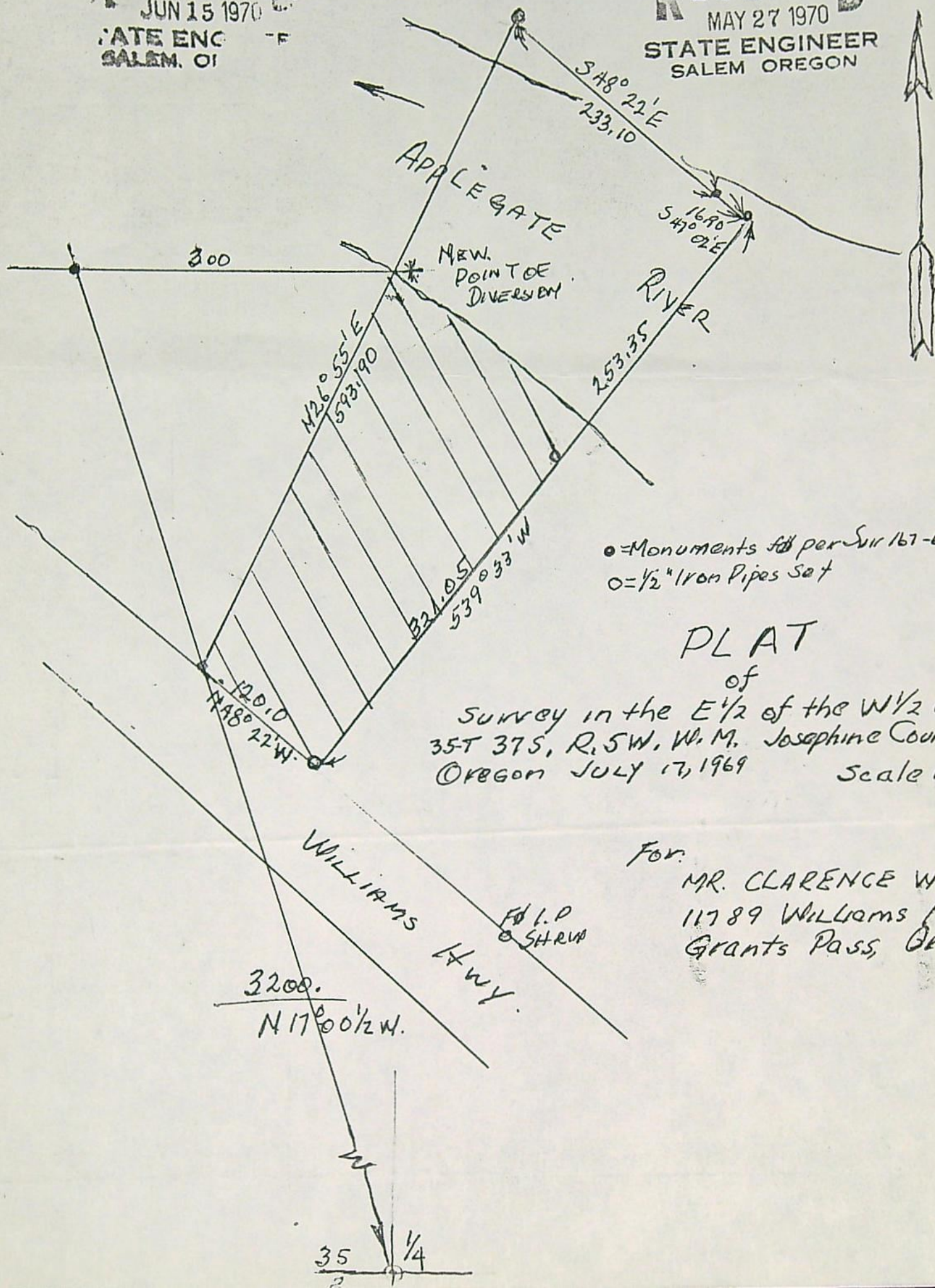
RECEIVED

JUN 22 1971.

WM. DIST. 14
GRANTS PASS, ORE.

RECEIVED
JUN 15 1970
STATE ENGINEER
SALEM, OR

RECEIVED
MAY 27 1970
STATE ENGINEER
SALEM OREGON



PLAT
of
Survey in the E 1/2 of the W 1/2 of Sec
35T 37S, R. 5W, W. M. Josephine County
OREGON JULY 17, 1969 Scale 1"=100'

For:
MR. CLARENCE W. RUCH
11789 Williams Hwy
Grants Pass, Oregon

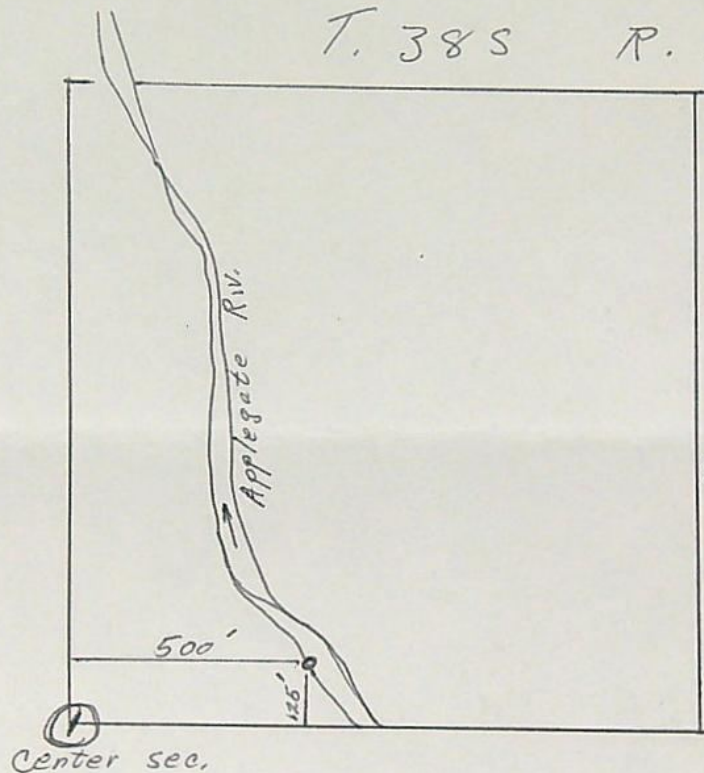
JUN 22 1971

WM. DIST. 14
GRANTS PASS, ORE.

SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1

T. 38 S R. 5 W.

1" = 400'



RECEIVED
JUN 15 1970
STATE ENGINEER
SALEM, OREGON

Old Pt. Div.

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF CLARENCE W. RUCH FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM APPLGATE)
RIVER)

ORDER APPROVING
TRANSFER NO. 2386

On May 27, 1970, Clarence W. Ruch filed an application in the office of the State Engineer for the 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 Josephine County, Oregon, entered January 10, 1940, 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 C. A. Trumbly for the use of the waters of Applegate River for the irrigation of, among other lands, 1.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 37 South, Range 5 West, W.M., with a date of priority of February, 1892, as evidenced by certificate recorded at page 32843, Volume 24, State Record of Water Right Certificates. These lands are irrigated by means of the Laurel Hill Ditch from a point of diversion located 125 feet north and 500 feet east from the center of Section 1 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 38 South, Range 5 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 3000 feet north and 550 feet west from the S $\frac{1}{4}$ corner of Section 35 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 37 South, Range 5 West, W.M.

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

2 Y 6

to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Grants Pass, Oregon, on September 1, 1970, 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 July 8, 15, and 22, 1970. 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 Applegate River, to-wit:

From a point located 125 feet north and 500 feet east from the center of Section 1 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 38 South, Range 5 West, W.M.

To a point to be located 3000 feet north and 550 feet west from the SW corner of Section 35 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 37 South, Range 5 West, W.M.

for the irrigation of 1.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 37 South, Range 5 West, W.M., with a date of priority of February, 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, 1971.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall not exceed 0.024 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 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 Clarence W. Ruch confirming said change in point of diversion.

Dated at Salem, Oregon, this 30th day of October, 1970.

/s/ CHRIS L. WHEELER
State Engineer

RECEIVED
JUN 3 1971
STATE ENGINEER
SALEM OREGON

Transfer No. 2386

NOTICE OF COMPLETION OF CONSTRUCTION

I, Clarence W. Rich, hereby certify

that the construction work has been completed and the change in
point of diversion of water made as set forth in the order of
the State Engineer dated October 30, 1970, approving an appli-
cation for a change in point of diversion of water from _____

Applegate River.

5/31/71
Date

Clarence W. Rich
Name

LEGAL NOTICE

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

Notice is given hereby that Clarence W. Ruch has filed an application for the approval of a change in point of diversion of water from Applegate River.

In the Rogue River Adjudication proceedings a water right was established in the name of C. A. Trumbly for the irrigation of, among other lands, 1.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T. 37 S., R. 5 W., W.M., with a date of priority of 1892. These lands are irrigated by means of the Baurel Hill Ditch from a point of diversion located 125 ft. N and 500 ft. E from the center of Sec. 1 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 1, T. 38 S., R. 5 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 3000 ft. N and 550 ft. W from the S $\frac{1}{4}$ corner of Sec. 35 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 35, T. 37 S., R. 5 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on September 1, 1970, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Clarence W. Ruch, 11789 Williams Hwy., Grants Pass, 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 29th day of June, 1970.

CHRIS L. WHEELER

State Engineer

No. 85—Wed. 7-22-70

AFFIDAVIT OF PUBLICATION

RECEIVED
JUL 22 1970

STATE ENGINEER
SALEM, OREGON

State of Oregon }
County of Josephine } ss.

Charles J. Moore

I, _____, 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
A CHANGE IN POINT OF DIVERSION OF WATER
which is hereto annexed, was published in the entire issue of said news-

paper for _____ 3 _____ successive and consecutive weeks in the following
issues July 8, 15, & 22, 1970

Charles J. Moore

Subscribed and sworn to before me this 22nd _____ day of

July _____, 19 70

W. Keellean Zalmeser
Notary Public of Oregon.

My commission expires 14th _____ day of February _____, 19 72.

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Clarence W. Ruch
(Name of applicant)
of 11789 WILLIAMS HWY Grants Pass
(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 Applegate River
(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 Laurel Hill

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

~~corner~~ of Sec 1 being within the SW 1/4 of NE 1/4
(Section or subdivision)

of Section 1 Tp. 38S R. 5W 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	5W	35								<u>1.2</u>								

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 32843
(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 Supplemental findings, Rogue River
(Yes or No)

12. Is the water right recorded in your name? No - C. A. TRUMBLY
(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 3200 ft. N-17° W 300 ft. E from the SE $\frac{1}{4}$
corner of SEC 35 being within the SE $\frac{1}{4}$ & NW $\frac{1}{4}$ of Section 35 Tp. 37 S R. 5 W 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

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

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.

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.? (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

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Josephine

ss.

I, Clarence W. Ruch, 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 20 day of May, 1970.

Clarence W. Ruch
(Name of applicant)

Subscribed and sworn to before me this 20 day of May, 1970.

[Notarial Seal]

Robert B. Steiner
NOTARY PUBLIC FOR OREGON

My commission expires Nov 3, 1972

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.

Keep in

T-2386

26

25

Surveyed Aug. 21-27, 1935.
and July 16-24 1936

