

2372  
777 Rue Hill Loop  
Sun Valley, Ore 97476

2372

### STATUS OF APPLICATION

Change in Point of Diversion  
Date filed May 4, 1970  
Date of hearing July 6, 1971  
Place of hearing Grants Pass, Ore  
Date of order 7-6-71 Vol. 21, page 153  
Date for application of water 10-1-72 ext 10-1-73  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued SEP 30 1971 Vol. 29, page 37666  
JUL 23 1979 44 48367  
8-6-79 JS

### DESCRIPTION OF WATER RIGHT

Name of stream Grave Creek  
Trib. of - County of Josephine  
Use Irrigation  
Quantity of water 0.11 cfs No. of acres 7.50  
Name of ditch Harkness  
Date of priority 1863  
In name of H.R. Mehrbas  
Roque River Adjudication, Vol. 4, page 37 col. 2  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 16529  
Certificate cancelled \_\_\_\_\_  
Notation made on record by slu

### FEES PAID

Date	Amount	Receipt No.
<u>5/4/70</u>	<u>25.00</u>	<u>18466</u>
<u>5/4/70</u>	<u>30.00 FOR</u>	<u>18467</u>
TOTAL . . .		
<u>6-7-71</u>	<u>\$2</u> <u>\$1 Cert. Fee</u>	<u>from Pub. of Not.</u>
<u>7-16-79</u>	<u>\$1.50</u>	<u>12855</u>

### FEES REFUNDED

Date	Amount	Check No.
<u>6-7-71</u>	<u>\$1.48 Pub. of Not.</u>	<u>4252</u>

### REMARKS

See 9-25-72 memo on Oct 24 (unable to locate 5-2-79)  
ASSIGNED 4-4-79  
to Robert Shepherd, 994 Meadow Drive, Sparks, NV 89431 Page 530, Vol. 6

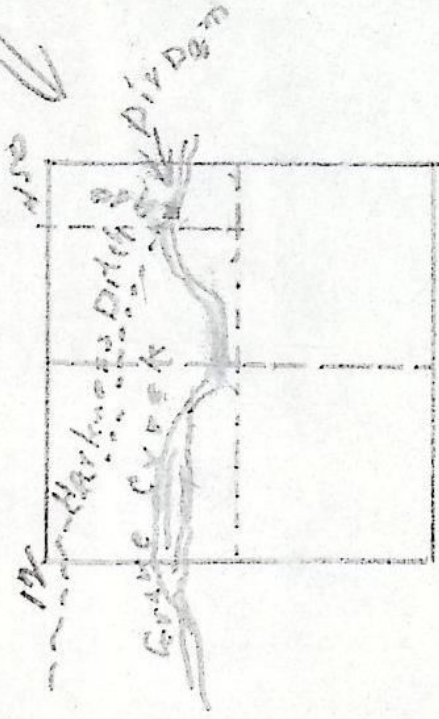
TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>slu</u>	
<input checked="" type="checkbox"/>	Stream		<u>slu</u>	
<input checked="" type="checkbox"/>	Pt. of Div.		<u>slu</u>	
<input checked="" type="checkbox"/>	Calendar		<u>slu</u>	
<input checked=""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





RECEIVED  
APR 27 1970  
STATE ENGINEER  
SALEM, OREGON

NE 1/4 SE 1/4 Sec. 12 T 34 S  
R 6 W in Josephine County



Application for Transfer  
of Water Right  
Raymond H. Morris and  
Jennie Morris  
in Sections 2 and 11  
T 34 S R 6 W M.  
in Josephine County OR

1" = 400'

RECEIVED  
MAY 4 1970  
STATE ENGINEER  
SALEM, OREGON

NW 1/4 NE 1/4 Sec. 11,  
T 34 S R 6 W, WYM



SEP 20 1963  
DLC #37

Covered Bridge

Dir. 1863

3 2 10 11

0.25 100

Forest

Leland Road

Ditch

Wardens

100

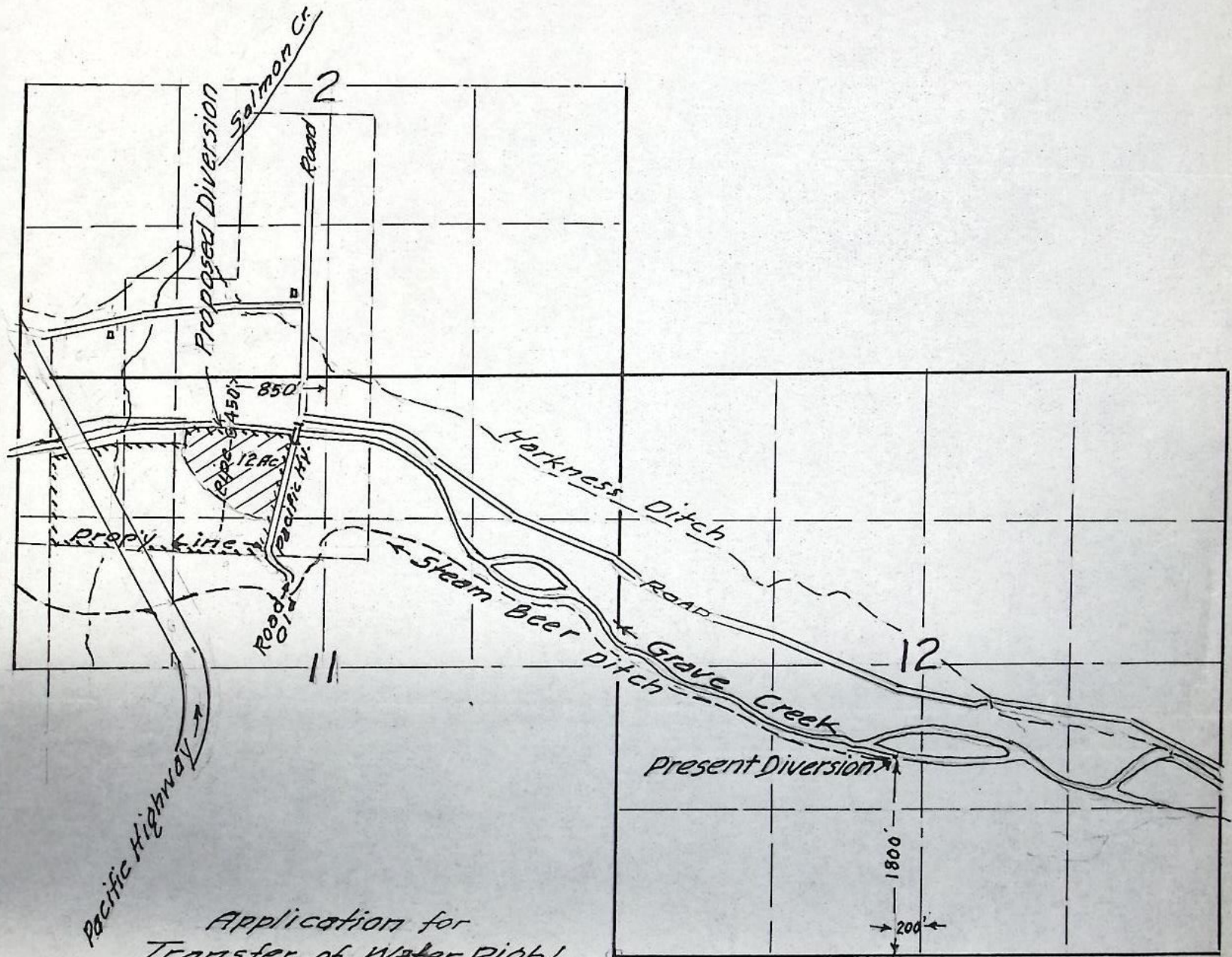
Harbuck's Ditch

Goose Creek

Dir Dgm



Dec. 1954



Application for  
Transfer of Water Right  
Frank E. Price.

RECEIVED  
DEC 13 1954  
STATE ENGINEER  
SALEM, OREGON



STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ROBERT SHEPHERD

of 894 Glen Meadow Drive, Sparks, State of Nevada, 89431, has  
a right to the use of the waters of Grave Creek

a tributary of Rogue River for the purpose of  
irrigation of 6.3 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Jackson County, and the said decree entered of record at Salem, in the Order Record of  
the WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the  
right thereby confirmed dates from 1863

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 0.11 cubic foot per  
second, if available at the original point of diversion; NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12,  
T. 34 S., R. 6 W., W. M., 900 feet South and 450 feet West from the E $\frac{1}{4}$  Corner,  
Section 12

The point of diversion is located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Twogood DLC 37,  
Section 11, T. 34 S., R. 6 W., W. M., 520 feet South and 120 feet West from the  
N $\frac{1}{2}$  Corner, Section 11

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

Tract No. 2  
(North Side of Grave Creek)

0.9 acre SE $\frac{1}{4}$  SW $\frac{1}{4}$

0.2 acre SW $\frac{1}{4}$  SE $\frac{1}{4}$

Section 2

3.9 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$

1.3 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$

Section 11

All as projected within Twogood DLC 37  
T. 34 S., R. 6 W., W. M.

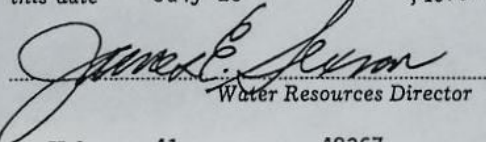
This certificate is issued to confirm a change in point of diversion approved  
by an order of the Water Resources Director entered July 6, 1971 and together  
with certificate of water right recorded on Page 37666, Volume 29, State Record  
of Water Right Certificates supersedes certificate of water right recorded on  
Page 16529, Volume 13, State Record of Water Right Certificates.

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

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

WITNESS the signature of the Water Resources Director, affixed

this date July 23, 1979.

  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 41, page 48367

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

**This Is to Certify,** That FRANK E. PRICE and H. R. NEHRBAS

of Sunny Valley, State of Oregon, has a right  
to the use of the waters of Grave Creek

a tributary of Rogue River for the purpose of  
irrigation of 18 acres in Tract No. 1 and irrigation of 31.7 acres in Tract No. 2  
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 1891 for Tract No. 1, and 1863 for Tract No. 2

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 0.30 cubic foot per  
second for Tract No. 1, and 0.53 cubic foot per second for Tract No. 2.

The point of diversion is located in the Tract No. 1: NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section  
12; Tract No. 2: NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12; T. 34 S., R. 6 W., W. M. Diversion points  
located below:

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

Tract No. 1 (South side of Grave Creek)

12.0 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
6.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 11

Tract No. 2 (North side of Grave Creek)

3.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
14.1 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
3.8 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 2

2.1 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
8.7 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 11

T. 34 S., R. 6 W., W. M.

Diversion points located: Pump - 450 feet South and 850 feet West from NW $\frac{1}{4}$  Corner,  
Section 11; Steen Beer Ditch - 1800 feet North and 200 feet West from SW $\frac{1}{4}$  Corner,  
Section 12; Harkness Ditch - 900 feet South and 450 feet West from E $\frac{1}{4}$  Corner,  
Section 12.

Certificate of water right issued to H. R. Nehrbas and recorded at page 16529,  
Volume 13, State Record of Water Right Certificates, confirms the right to the  
use of water for irrigation of 56.0 acres. A change in the right to the use of  
water appurtenant to 6.3 acres was approved by order of the State Engineer entered  
July 6, 1971. This certificate is issued to confirm the remaining right to the  
use of water for irrigation and to confirm a change in point of diversion approved  
by an order of the State Engineer entered February 21, 1955, and supersedes the  
certificate heretofore issued to H. R. Nehrbas.



*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      September 30      , 1971.

.....CHRIS L. WHEELER.....  
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF FRANK E. PRICE FOR THE APPRO- )  
VAL OF A CHANGE IN POINT OF DIVER- )  
SION OF WATER FROM GRAVE CREEK. )  
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O R D E R

APPROVING APPLICATION

On December 13, 1954 Frank E. Price of Sunny Valley, Oregon, filed an application for the approval of a change in point of diversion of water from Grave Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The 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, adjudicated a water right in the name of H. R. Nehrbas for the irrigation of, among other lands, 12 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 34 South, Range 6 West, W. M., from Grave Creek with a date of priority of 1891. These lands are irrigated through the Steam Beer ditch, the point of diversion of said ditch being located 1800 feet north and 200 feet west from the South Quarter Corner of Section 12, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 12, Township 34 South, Range 6 West, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said 12 acres by means of a pumping plant, the point of diversion of said pumping plant to be located 450 feet south and 850 feet west from the North Quarter Corner of Section 11, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 11, Township 34 South, Range 6 West, W. M.

Notice by publication as provided by ORS 540.520 was given in the Grants Pass Bulletin, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks, being the issues of

310

2/21/1955

V 8pg 310-312



December 23 and 30, 1954 and January 6, 1955. The time for hearing as fixed in the notice, namely: February 20, 1955, was not less than thirty days after the last publication of said notice.

Mr. Tom R. Pearce, Watermaster of District No. 16, 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 from Grave Creek 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 of water from Grave Creek, to-wit:

From a point located 1800 feet north and 200 feet west from the South Quarter Corner of Section 12, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 12, Township 34 South, Range 6 West, W. M.,

To a point to be located 450 feet south and 850 feet west from the North Quarter Corner of Section 11, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 11, Township 34 South, Range 6 West, W. M.,

for the irrigation of 12 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 34 South, Range 6 West, W. M., with a date of priority of 1891, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1955 or within such extension of time as may be granted by the State Engineer for good cause shown.

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.

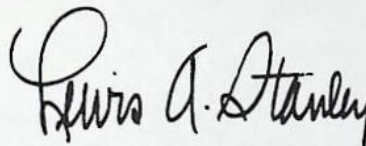
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices:



That the pumping plant be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

That the location of the pumping plant and channel to convey the water to the pump and the plans of the headgate and weir or measuring device be approved before the beginning of construction work by the watermaster of Josephine County, Oregon, and that the headgate and weir or measuring device be constructed under the general supervision of said watermaster.

Dated at Salem, Oregon this 21st day of February 1955.



LEWIS A. STANLEY  
State Engineer

Noted on Decree

V.1. 4. p. 37 col. 2

Cert. 16529



BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF RAYMOND H. MORRIS FOR THE AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM GRAVE )  
CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 2372

On May 4, 1970, Raymond H. Morris filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Grave 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 H. R. Nehrbas for the use of the waters of Grave Creek for the irrigation of, among other lands, 0.9 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.2 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 2, 3.9 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 1.3 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 34 South, Range 6 West, W.M., with a date of priority of 1863. This right is evidenced by certificate recorded at page 16529, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Harkness Ditch from a point of diversion located 900 feet south and 450 feet west from the E $\frac{1}{4}$  corner of Section 12 being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, Township 34 South, Range 6 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 570 feet south and 400 feet east from the S $\frac{1}{4}$  corner of Section 2 being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11, Township 34 South, Range 6 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 July 6, 1971, at 9:30 a.m. The notice was published in the Grants Pass Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of May 12, 19, and 26, 1971. 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 Grave Creek, to-wit:

From a point located 900 feet south and 450 feet west from the E $\frac{1}{4}$  corner of Section 12 being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, Township 34 South, Range 6 West, W.M.

To a point to be located 570 feet south and 400 feet east from the S $\frac{1}{4}$  corner of Section 2 being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11, Township 34 South, Range 6 West, W.M.

for the irrigation of 0.9 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.2 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 2, 3.9 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 1.3 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 34 South, Range 6 West, W.M., with a date of priority of 1863, 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, 1972.



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 0.11 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 H. R. Nehrbas and recorded at page 16529, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, 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 Raymond H. Morris confirming said change in point of diversion.

Dated at Salem, Oregon, this 6th day of July, 1971.

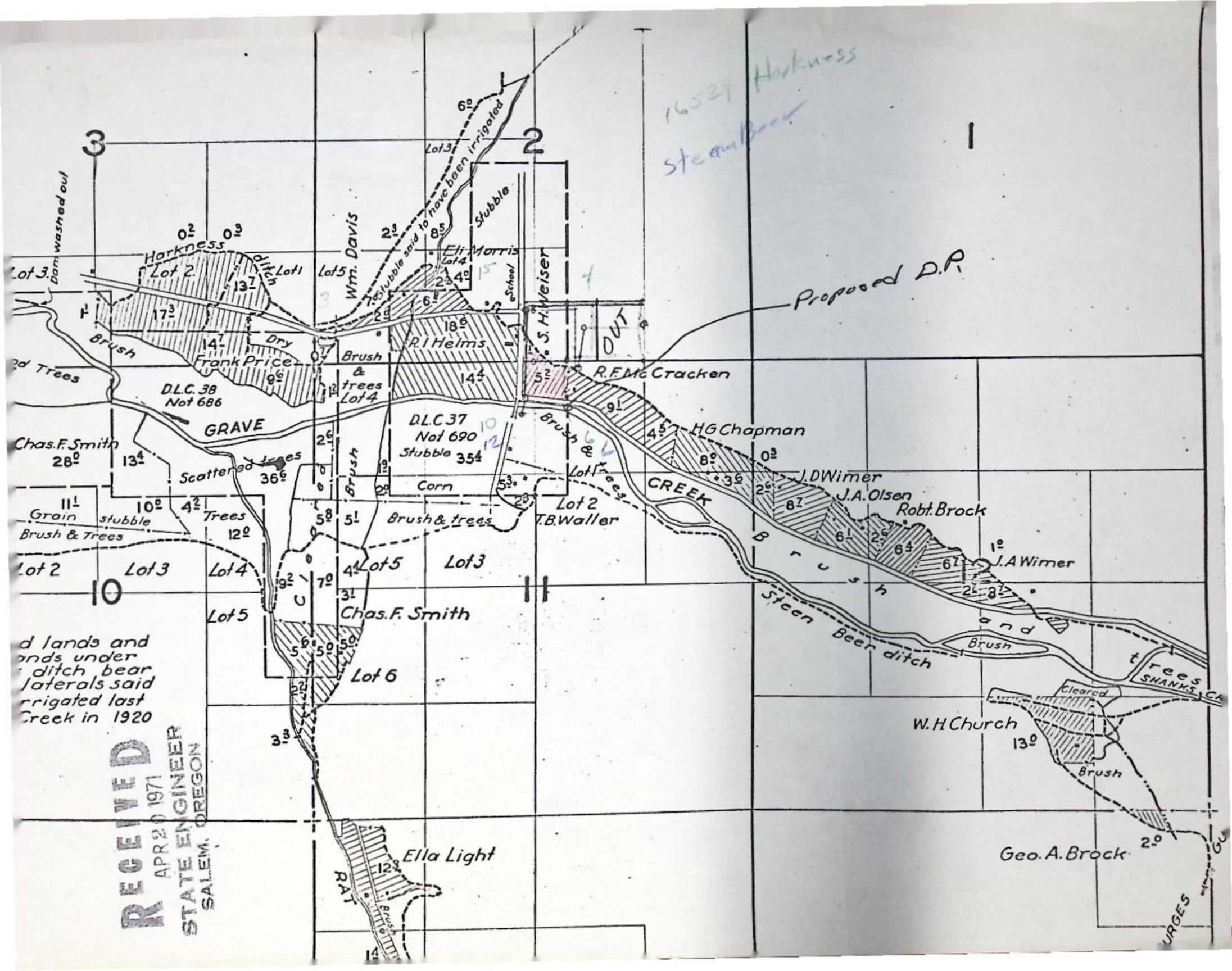
/s/ CHRIS L. WHEELER  
State Engineer



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OUT

RECEIVED  
APR 20 1971  
STATE ENGINEER  
SALEM, OREGON





PTS 1974-W LMT  
9/15/74 LMT

Transfer  
~~Copyright~~ No. 2372

Name in decree	M. R. Nehrbas (Raymond M. Morris)	Assigned
Source	Grave Creek ,	TRIB ROGUE RIVER
Ditch name		
Priority date	1863	
Amount of water	0.11 c.f.s.	
Use	Irrigation	
Point of diversion	520' S AND 120' W FROM N 1/4	
Number of acres	6.3	

Robert Shepherd  
994 Meadow Drive  
Elen  
Sparks, NV 89431

[illegible]

Remarks: Certificate 16329 is canceled.  
Special Order Volume 21, page 153

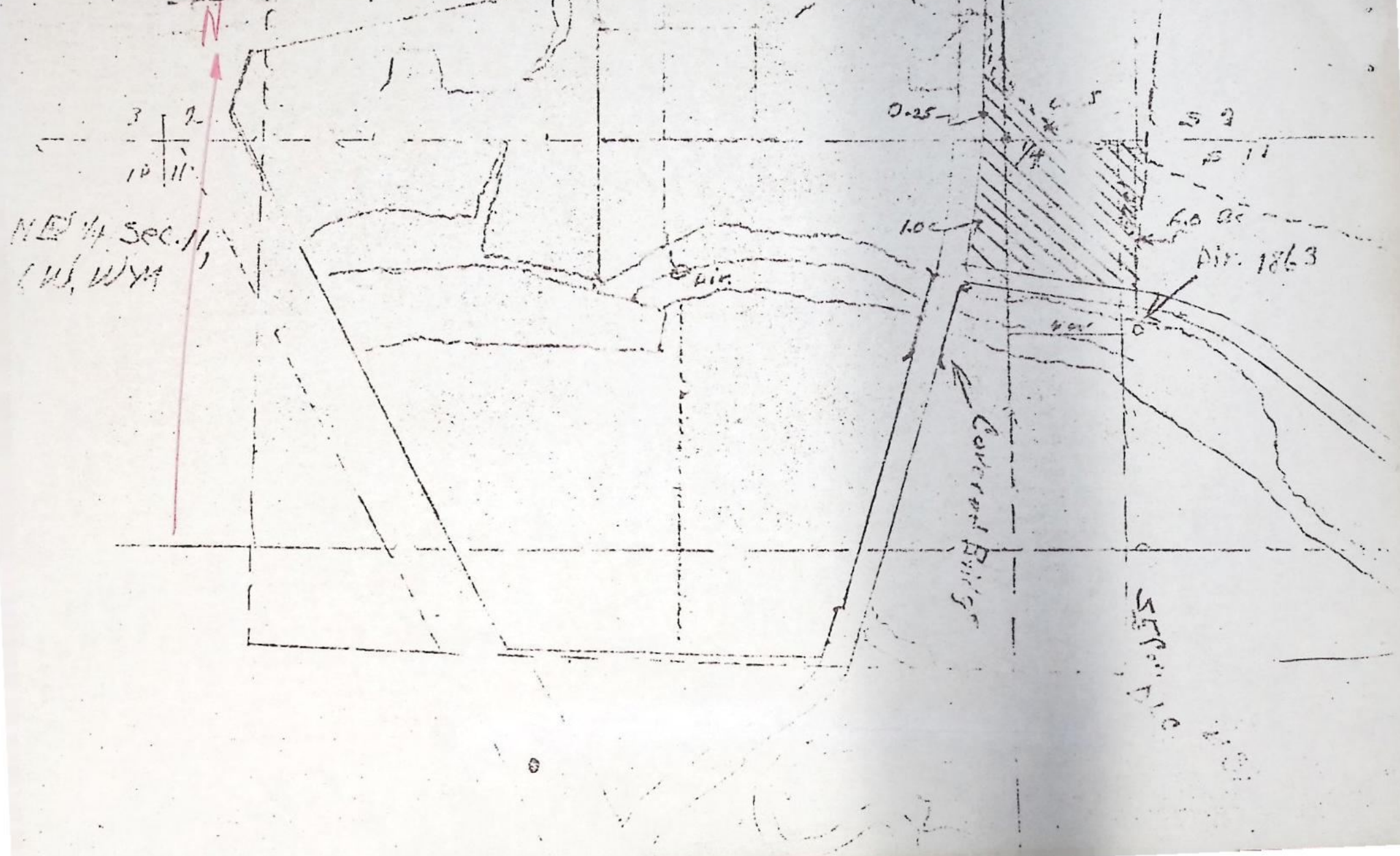


FOR ALL INFORMATION SEE A-46947  
P-35134

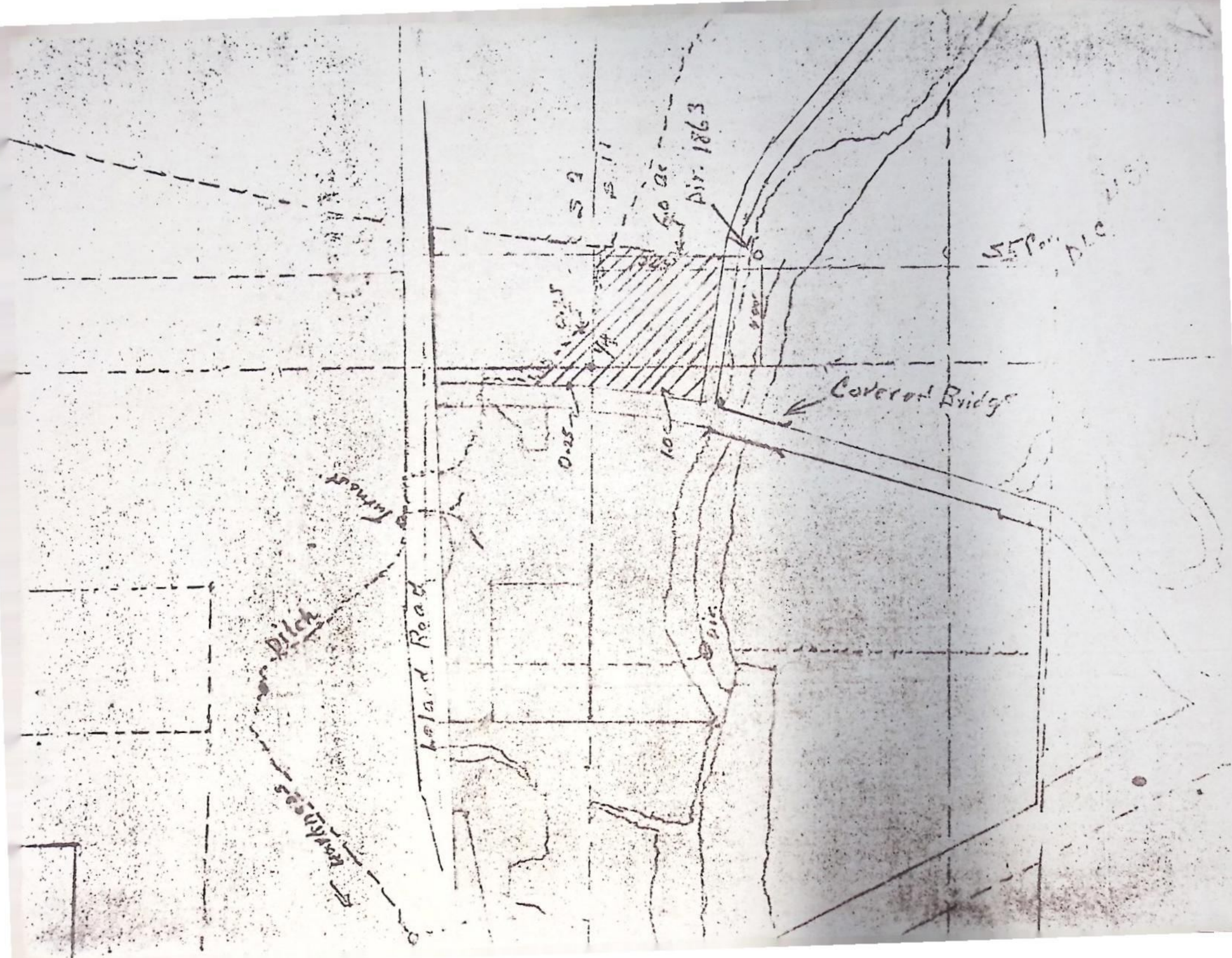
Larry Telp  
JFE  
9/19/74



RECEIVED  
MAY 4 1970  
CIVIL ENGINEER  
LEWIS, OREGON

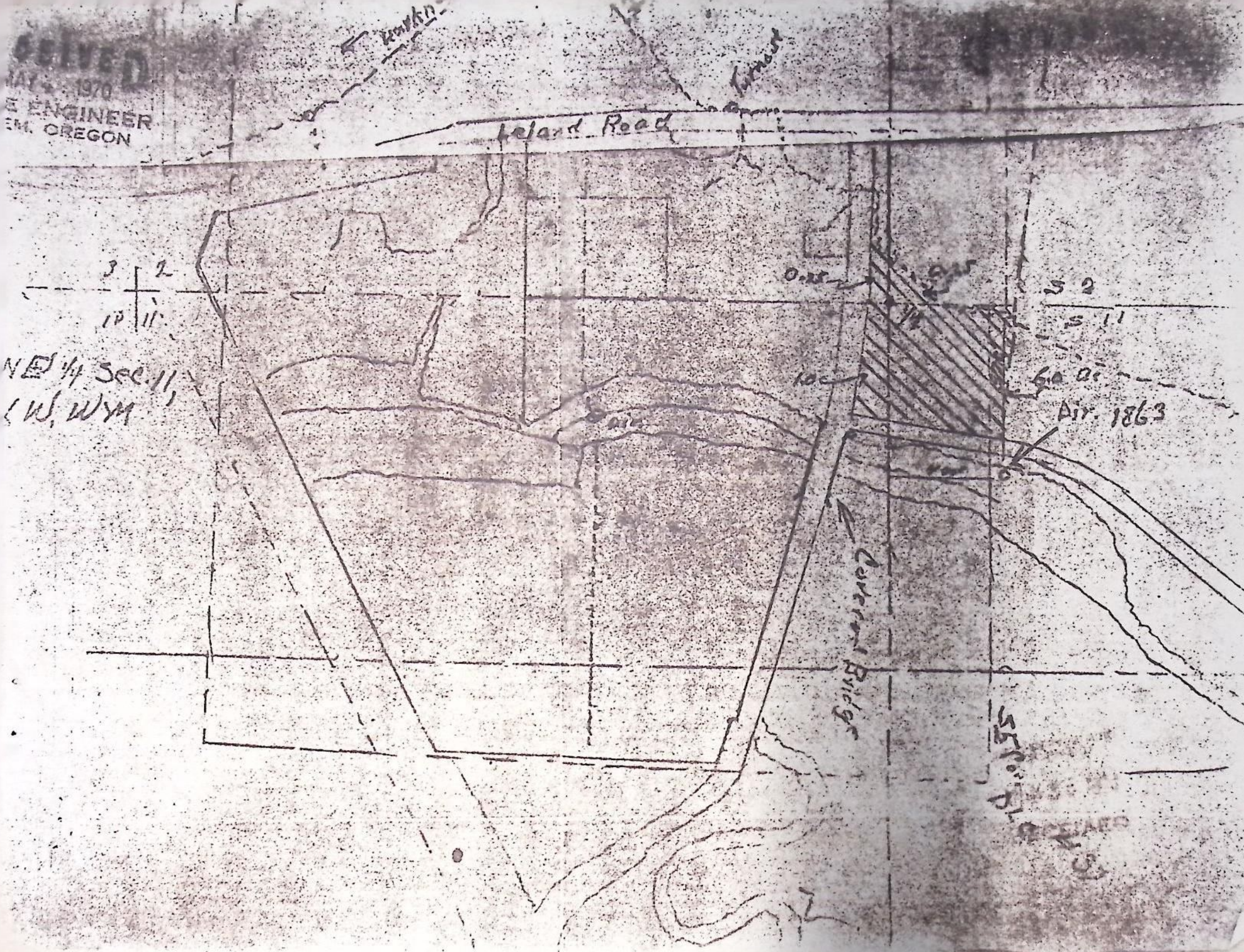








RECEIVED  
MAY 1970  
ENGINEER  
EM. OREGON



NE 1/4 Sec. 11,  
W. WYM

Island Road

Turnout

0.15

5 2

5 11

60.00

Air. 1863

Covered Bridge

550

RECEIVED



RECEIVED  
OCT 2 1972  
STATE ENGINEER  
SALEM, OREGON

File No. 2372

APPLICATION FOR EXTENSION OF TIME

To the State Engineer of Oregon:

I, Raymond H. Morris,  
of 772 Sunny Valley Dr Sunny Valley Ore.  
(Mailing Address) (City)  
County of Josephine, State of Oregon,  
do hereby make application for an extension of time within which to complete

- ☒ a change in point of diversion  
☐ a change in place of use  
☐ a change in the use theretofore made

under the terms of an order of the State Engineer dated 7-6-71,  
approving water right transfer application No. 2372 in the name of Raymond Morris  
\* which time expires 10-1-72.

The following has been accomplished toward completion of the  
change within the time allowed: I have purchased everything  
proposed in our application except pumping  
unit. equipment - pipe & sprinklers purchased.

as applied for in permit # 35134 & Transfer # 2372  
(If for irrigation, state total number of acres now irrigated under the change)

To fully complete the change, it will be necessary to accomplish  
the following: Because of considerable change in Channel  
of Grave Creek, as present to and upstream from our  
property it is very difficult to construct a sump  
at point indicated on our application without considerable  
movement of gravel & (over) changing of Channel back to its  
alignment.

\*If you are not the applicant named above, please explain your interest in  
this matter.

comp 13  
10-1-72  
9254



I am unable to complete the change under the terms of the order,  
within the time allowed, because Creek Channel Changed  
to Fan out for sump at point indicated.

and request that the time for completion be extended to indefinite.

AFFIDAVIT OF APPLICANT

STATE OF OREGON )  
County of JOSEPHINE ) ss.

I, Raymond H. Martin, being first duly sworn,  
depose and say that I have read the above and foregoing application for  
extension of time; that I know the contents thereof, and the facts stated  
therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 28 day  
of Sept 1972.

Raymond H. Martin  
Subscribed and sworn to before me this 28<sup>th</sup> day of  
September, 1972.

Joel A. Murschall  
Notary Public for Oregon  
My commission expires 9-25-74

When completed, this application should be submitted to the State  
Engineer accompanied by payment of the statutory fee in the amount  
of ~~\$2.00~~ \$5.00. \$5.00 FEE PAID

REC. NO. 30958

DATE 10-2-72



# LEGAL NOTICE

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

Notice is given hereby that Raymond H. Morris has filed an application for the approval of a change in point of diversion of water from Grave Creek.

In the Rogue River Adjudication proceedings, a water right was established in the name of H. R. Nehrbas for the use of waters of Grave Creek for the irrigation of, among other lands, 0.9 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 2, 3.9 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 1.3 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sect. 11, T. 34 S., R. 6 W., W.M., with a date of priority of 1863. These lands are irrigated by means of the Harkness Ditch from a point of diversion located 900 ft. S and 450 ft. W from the E $\frac{1}{4}$  corner of Sec. 12 being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 12, T. 34 S., R. 6 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 570 ft. S and 400 ft. E. from the S $\frac{1}{4}$  corner of Sec. 2 being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11, T. 34 S., R. 6 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on July 6, 1971, 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 Raymond H. Morris, Sunny Valley, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 5th day of May, 1971.

CHRIS L. WHEELER

State Engineer

No. 90—Wed. 5-26-71

## AFFIDAVIT OF PUBLICATION

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 \_\_\_\_\_ 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 \_\_\_\_\_ successive and consecutive weeks in the following  
issues \_\_\_\_\_ May 12, 19, & 26, 1971

Subscribed and sworn to before me this \_\_\_\_\_ day of

May

19 71

Notary Public of Oregon.

My commission expires

4th

day of

February

72

RECEIVED  
JUN 2 1971  
STATE ENGINEER  
SALEM OREGON



RECEIVED  
JUN 16 1970  
STATE ENGINEER  
SALEM, OREGON

To the STATE ENGINEER OF OREGON:

I, Raymond H. Morris (Name of applicant)

of Sunny Valley, County of Josephine  
(Postoffice)

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 Grave 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 Harkness Ditch

4. The point of diversion is located 900 ft. S. and 1450 ft. W. from the E. 1/4  
(N. or S.) (E. or W.) ✓

corner of Section 12 being within the N.E.  $\frac{1}{4}$  S.E.  $\frac{1}{2}$   
(Section or subdivision)

of Section 12 Tp. 34S R. 6W 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.

[illegible]

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? 1863

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 16529 ✓ 1/1.13  
(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 ✓ 4-26-19  
(Yes or No)

12. Is the water right recorded in your name? No - H. R. Nehrbas ✓  
(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			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼

(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 570 ft. S. and 400 ft. E. from the S. ¼ corner of Sec. 2 being within the N. W. ¼ N. E. ¼ of Section 11 Tp. 34S R. 6W. W. M.,  
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. 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.? No  
(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 Better coverage of acreage.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Josephine

ss.

I, Raymond H. Morris, 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 24th day of April, 1970.

Raymond H. Morris  
(Name of applicant)

Subscribed and sworn to before me this 24th day of April, 1970.

[Notarial Seal]

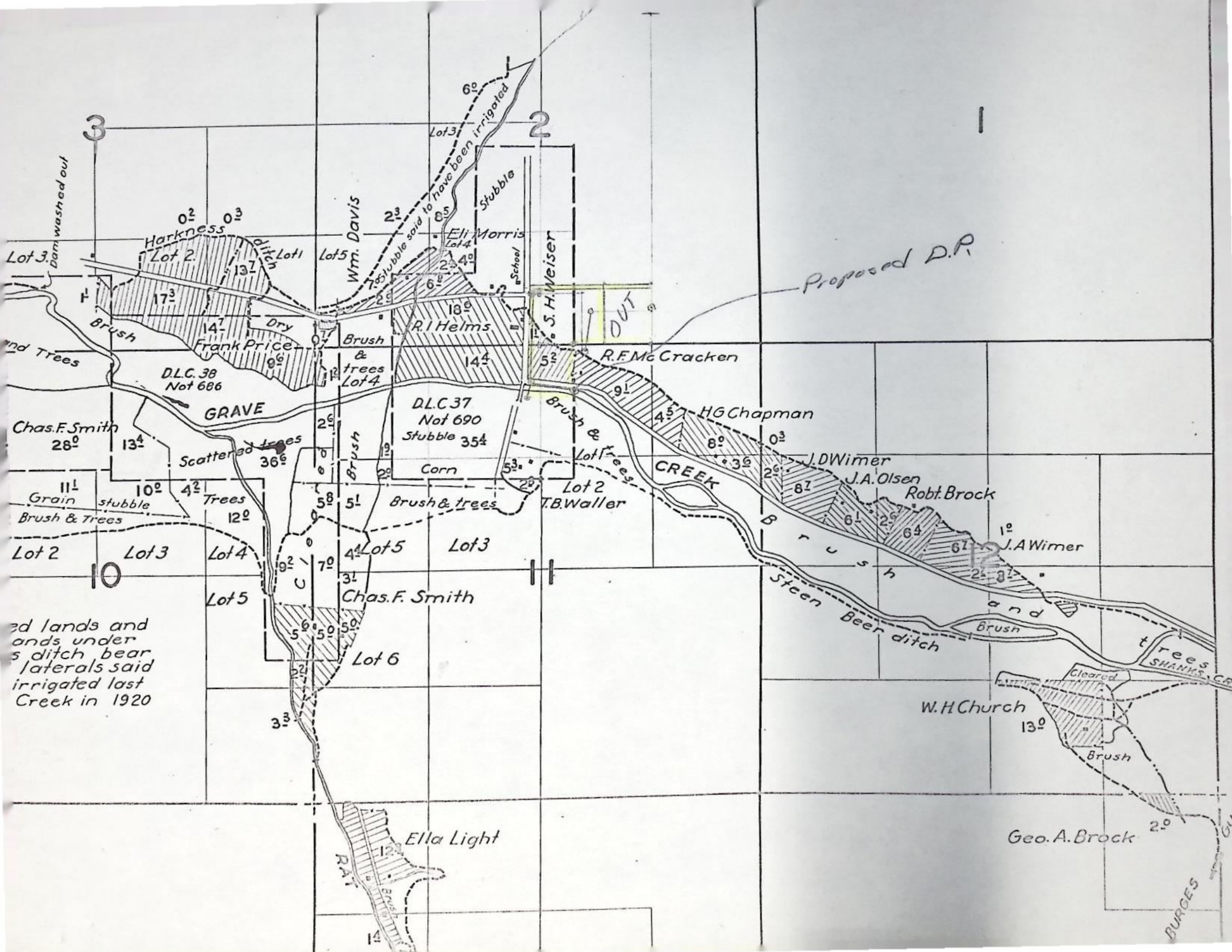
Fred G. Murschall  
NOTARY PUBLIC FOR OREGON

My commission expires 9-25-1970

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.





ad lands and  
ands under  
s ditch bear  
laterals said  
irrigated last  
Creek in 1920

Proposed D.P.

OUT

BURGES  
GULCH