

Roger W. Hufts
6132 Neill Rd
Grants Pass, Ore. 97526

2375

STATUS OF APPLICATION

Change in Point of Diversion
Date filed May 11, 1970
Date of hearing July 29, 1970 August 5, 1970
Place of hearing Grants Pass, Oregon
Date of order 12-14-70 Vol. 20, page 281
Date for application of water 10-1-71
Proof mailed _____
Proof received _____
Certificate issued MAR 27 1975 Vol. 33, page 41928
SEP 29 1978 39 46572

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
Trib. of - County of Josephine
Use Irrigation
Quantity of water 0.6 cfs No. of acres 30.0
Name of ditch Red Bluff
Date of priority October 1900
In name of P. B. Herman
Roque River Adjudication, Vol. 4, page 22 col. 2
App. No. _____ Per. No. _____ Cert. No. 16228
35088
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>5/11/70</u>	<u>25.00</u>	<u>18622</u>
<u>5/11/70</u>	<u>30.00 PCN</u>	<u>18623</u>
TOTAL . . .		
<u>6-26-70</u>	<u>\$2</u>	<u>From Pub. 2 Not.</u>
	<u>\$1 Cert. Fee</u>	
<u>3-4-75</u>	<u>.50</u>	<u>45488</u>

FEES REFUNDED

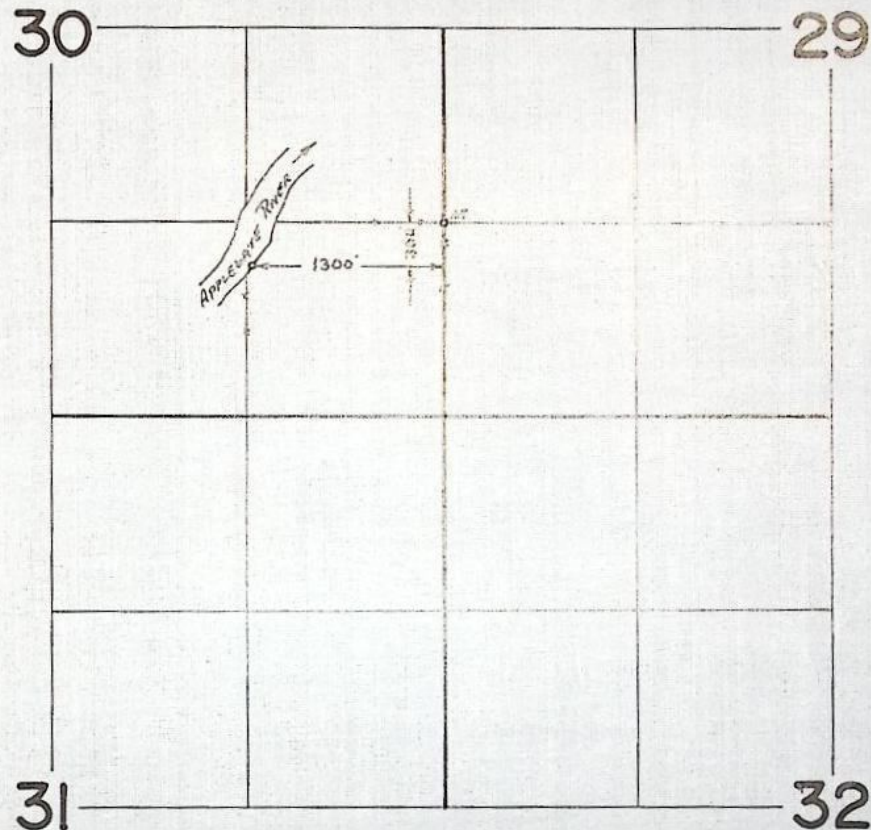
Date	Amount	Check No.
<u>6-26-70</u>	<u>\$4.48 Pub. 2 Not.</u>	<u>3705</u>
<u>6-26-75</u>	<u>\$1.00</u>	<u>6429</u>

REMARKS

See H-181

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

T.36S.,R.6W.,W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2375
Application No. _____ Permit No. _____
IN NAME OF

ROGER W. HULTS

Surveyed Oct. 9 1974, by L. T. T. T.

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF ROGER W. HULTS FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM APPLGATE RIVER)

ORDER APPROVING
TRANSFER NO. 2375

On May 11, 1970, Roger W. Hults 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 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 P. B. Herman for the use of the waters of Applegate River for the irrigation of, among other lands, 30.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M., with a date of priority of October, 1900.

The change of the point of diversion for the irrigation of these lands by means of the Red Bluff Ditch to a point located 1020 feet south and 2570 feet west from the NE corner of Section 31, Township 36 South, Range 6 West, W.M. being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 36 South, Range 6 West, W.M. was approved by an order of the State Engineer entered August 3, 1967.

The change of point of diversion was completed and inspected by a representative of the State Engineer.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1290 feet north and 1300 feet west from the SE corner of Section 30 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 36 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 August 5, 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 June 11, 18, and 25, 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 1020 feet south and 2570 feet west from the NE corner of Section 31 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 36 South, Range 6 West, W.M.

To a point to be located 1290 feet north and 1300 feet west from the SE corner of Section 30 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 36 South, Range 6 West, W.M.

for the irrigation of 30.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M., with a date of priority of October, 1900, 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

available at the old point of diversion and shall not exceed 0.6 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.

The order of the State Engineer entered August 3, 1967, canceled the certificate recorded at page 16228, State Record of Water Right Certificates, and provided for a new certificate to be issued on completion of the change in point of diversion authorized by the order.

It is FURTHER ORDERED that no new certificate be issued as provided by the order entered August 3, 1967, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate shall be issued to Roger Hults confirming said change in point of diversion.

Dated at Salem, Oregon, this 14th day of December, 1970.

/s/ CHRIS L. WHEELER
State Engineer

PT5 1974-W
10-9-74 LWT

4-181

County Josephine

- No "C" REC'D

[illegible]

INFO- ROGER HULTS - HE POINTED OUT DIV. AND LAND IRRIG.
HE ALSO SAID A FIER^P CREW TALKED TO HIM ABOUT
2 YEARS AGO SO THIS JOB MAY ALREADY HAVE
BEEN DONE.

DIV- PUMPED DIRECTLY OUT OF APPLEGATE RIVER

PUMP- ? DDC 3" x 2"

MOTOR- CENTURY 15 HP @ 3500 RPM

PIPE- 1200' 4" ALUM MAIN PORT
1440' 3" ALUM LAT.

HEADS- 36 RB 30 $\frac{3}{16}$ x 0 (36 MAX)

USE- PASTURE (DAIRY COWS)

LIFT- +20

TIE- PTS 1974-W

NE COR SE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 30 ($\frac{1}{16}$ COR, RAILROAD RAIL DRIVEN IN GROUND)

Larry Toll
FE
10/9/74

Sec 30 T. 36S R. 6W
1" = 400'

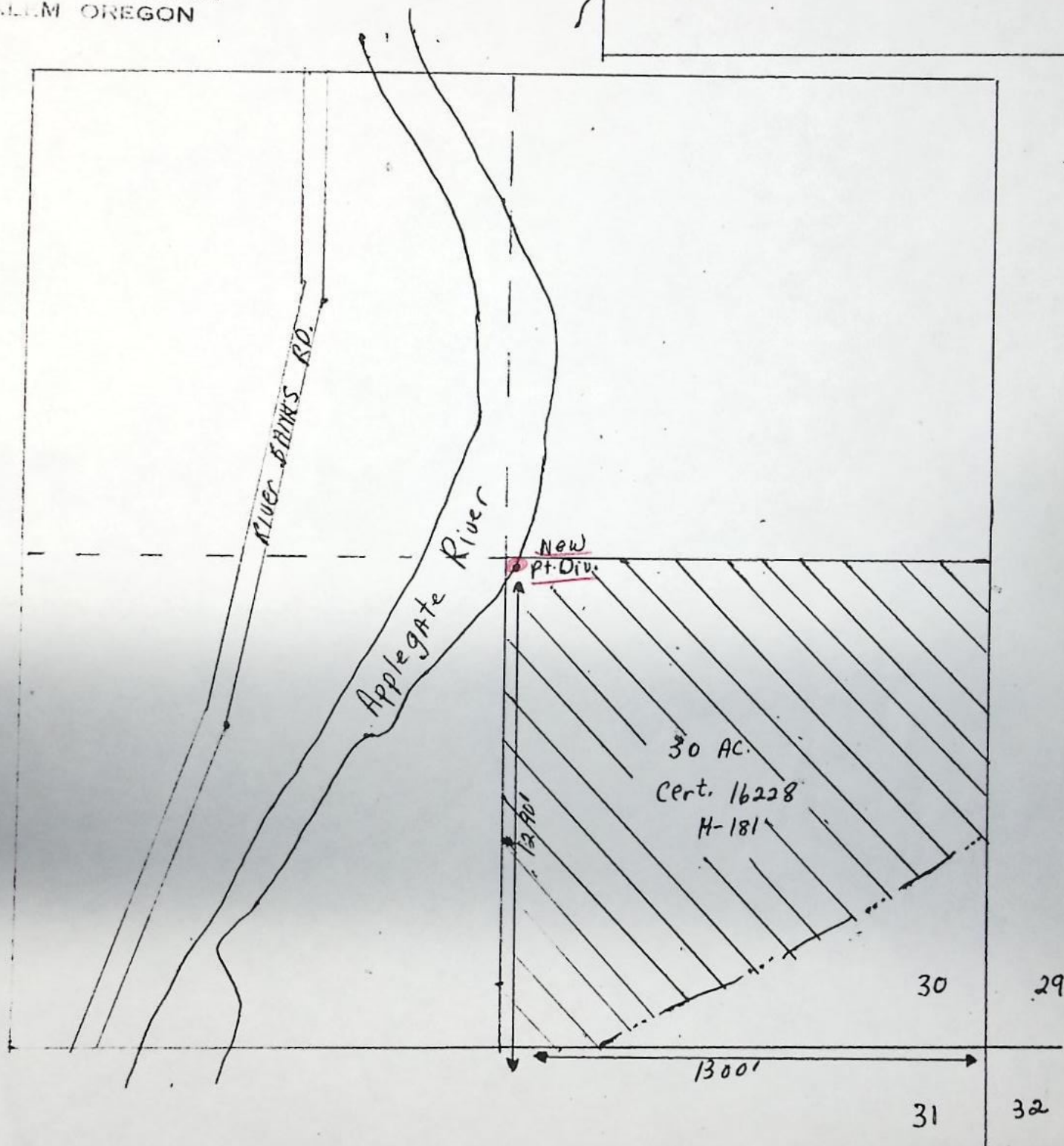
NW 1/4 NE 1/4
Sec. 31

Roger W. Halls

5/8/70

RECEIVED
MAY 11 1970
STATE ENGINEER
FALLM OREGON

old Pt. Div.



Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Roger W. Hults (Name of applicant)
of Grants Pass 6132 Nail Rd. (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 Red Bluff ditch
4. The point of diversion is located 1570 ft. N and 5 ft. E from the center (N. or S.) (E. or W.)

corner of sec. 31 (Section or subdivision) being within the N.W. 1/4 of NE 1/4
of Section 31 Tp. 36 S R. 6 W 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
36 S	6 W	30																

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? October, 1900

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 16228
(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? No P.B. Herman
(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 1290 ft. N and 1300 ft. W from the S.E.
(N. or S.) (E. or W.)
corner of Sec. 30 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30 Tp. 36S R. 6W W. M.,
(Smallest legal subdivision) (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
<u>Mortgage</u>	<u>Farmers Home Adm.</u>	<u>35,000</u>

20. Reasons for the proposed changes are we changed from
flood irrigation to sprinkling system.

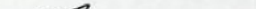
AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Josephine ss.

I, ROGER W. HULTS, 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 8th day of May, 19 70


.....
(Name of applicant)

Subscribed and sworn to before me this 8th day of May, 1970

[Notarial Seal]

Maxine V. Pilkington
NOTARY PUBLIC FOR OREGON

MAXINE V. PILKINGTON, NOTARY PUBLIC

My commission expires My Commission Expires Feb. 13, 1974

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.

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That P. B. HERMAN

of Grants Pass, State of Oregon, has a right
to the use of the waters of Applegate River

a tributary of Rogue River for the purpose of
irrigation of 15.0 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 October 1900

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

The point of diversion is located in the

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

15.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 31
T. 36 S., R. 6 W., W. M.

Certificate of water right issued to P. B. Herman and recorded at page 16228,
Volume 13, State Record of Water Right Certificates, confirms a right to the use
of water for irrigation of 45.0 acres. Subsequently, the point of diversion for
the irrigation of 30.0 acres was transferred by order of the State Engineer
entered August 3, 1967. This certificate is issued to confirm the remaining
right to the use of water for irrigation and supersedes the certificate heretofore
issued to P. B. Herman.

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

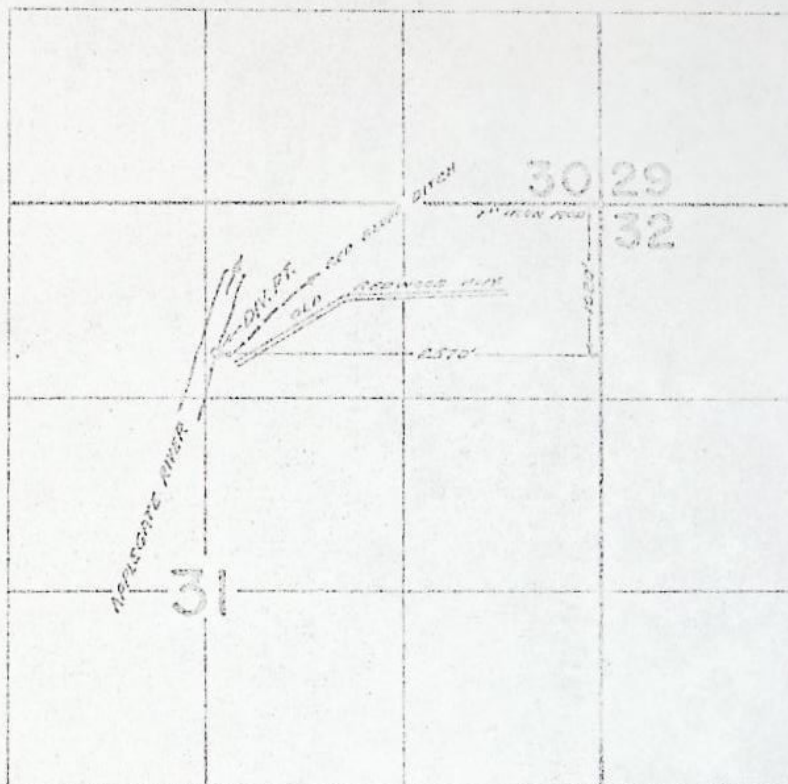
this date July 25, 1968.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 27, page 35088

T.36 S.R. 6 W. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER No. H-181

Application No. Permit No.

IN NAME OF
THOMAS HART,
STUART RUDA, AND RILEY FURLONG

Surveyed JUN. 7 1969, by D. BUELL

SE 1/4 Sec 30 T. 36S R. 6W

1" = 400'

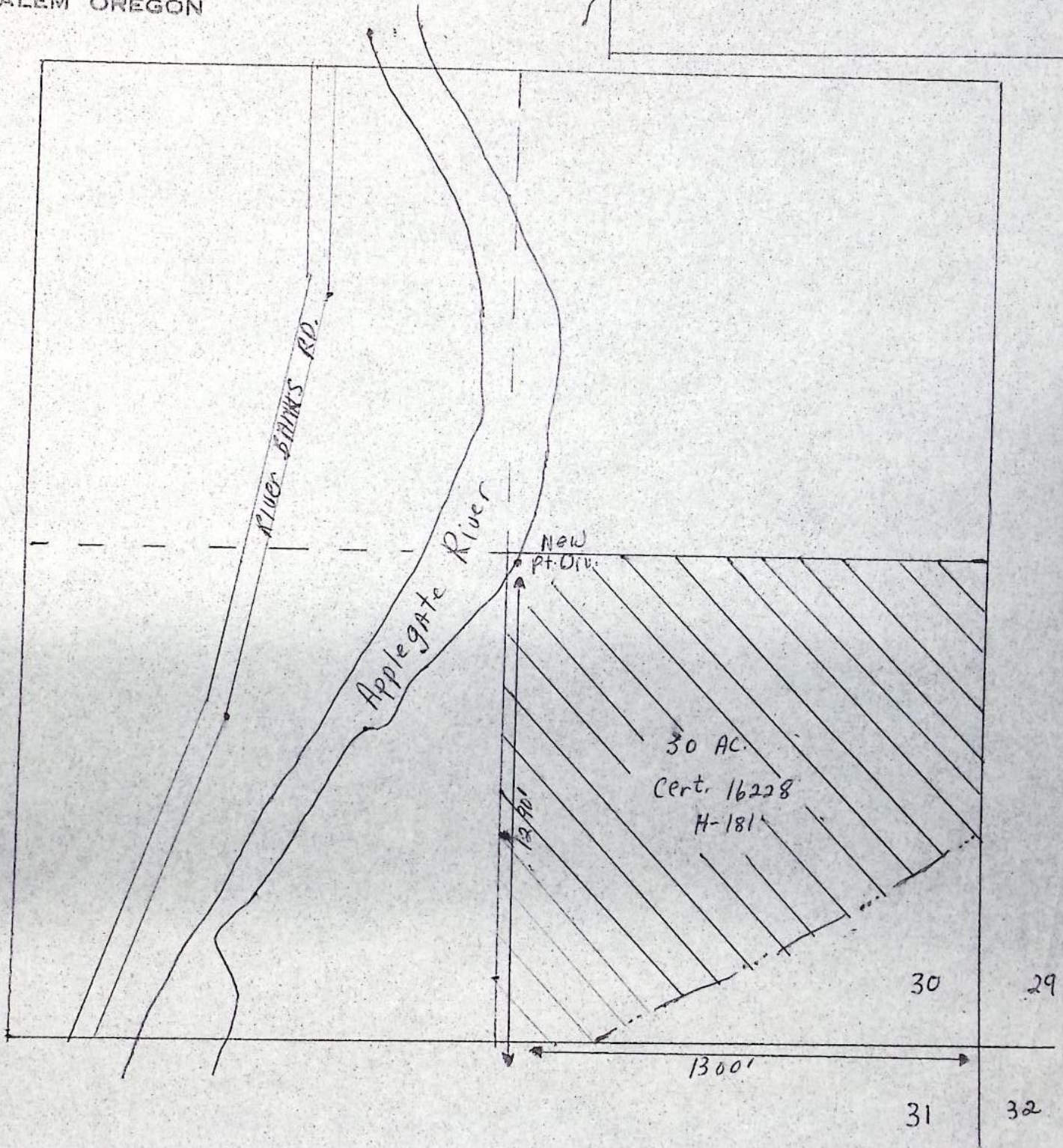
Roger W. Hults

5/8/70

NW 1/4 NE 1/4
Sec. 31

old Pt. Div.

RECEIVED
MAY 11 1970
STATE ENGINEER
SALEM OREGON



LEGAL NOTICE

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

Notice is given hereby that Roger W. Hults 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 P. B. Herman for the use of the waters of Applegate River for the irrigation of, among other lands, 30.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 36 S., R. 6 W., W.M., with a date of priority of October, 1900. These lands are irrigated by means of the Red Bluff Ditch from a point of diversion located 1020 ft. S and 2570 ft. W from the NE corner of Sec. 31 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T. 36 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 1290 ft. N and 1300 ft. W from the SE corner of Sec. 30 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, T. 36 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 August 5, 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 Roger W. Hults, 6132 Neill Road, 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 May, 1970.

CHRIS L. WHEELER
State Engineer

No. 67—Thurs. 6-25-70

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 CHANGE IN POINT OF DIVERSION OF WATER~~ a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for _____ successive and consecutive weeks in the following issues _____

June 11, 18 & 25, 1970

Subscribed and sworn to before me this _____ day of June 70

Notary Public of Oregon.

My commission expires _____ day of February 72

RECEIVED
JUN 26 1970
STATE ENGINEER
SALEM OREGON