

George E. Breiz
6576 Highway
Grants Pass, Ore 97526
101 Panther Gulch Road
20644

2449

STATUS OF APPLICATION

Change in Point of Diversion
Date filed September 24, 1970
Date of hearing 8-6-74
Place of hearing Grants Pass
Date of order 8-13-74 Vol. 25, page 74-76
Date for application of water 10-1-75
Proof mailed _____
Proof received _____
Certificate issued NOV 23 1976 Vol. 36, page 43999
JAN 18 1977 Survey 10/24 Vol. 36 pg. 44086

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
Trib. of — County of Josephine
Use Irrigation
Quantity of water _____ No. of acres 6.2
Name of ditch —
Date of priority 1903
In name of Louise C. Selleck
Roque River Adjudication, Vol. 4, page 23 col 3
App. No. _____ Per. No. _____ Cert. No. 16253
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
9-24-70	25.00	20959
9-23-71	P.O.N.	
7-15-74	30.00	25592
	4.22 P.O.N.	41986
TOTAL		
7-15-74	3.00	
	\$1 Cert. Fee	41987

FEES REFUNDED

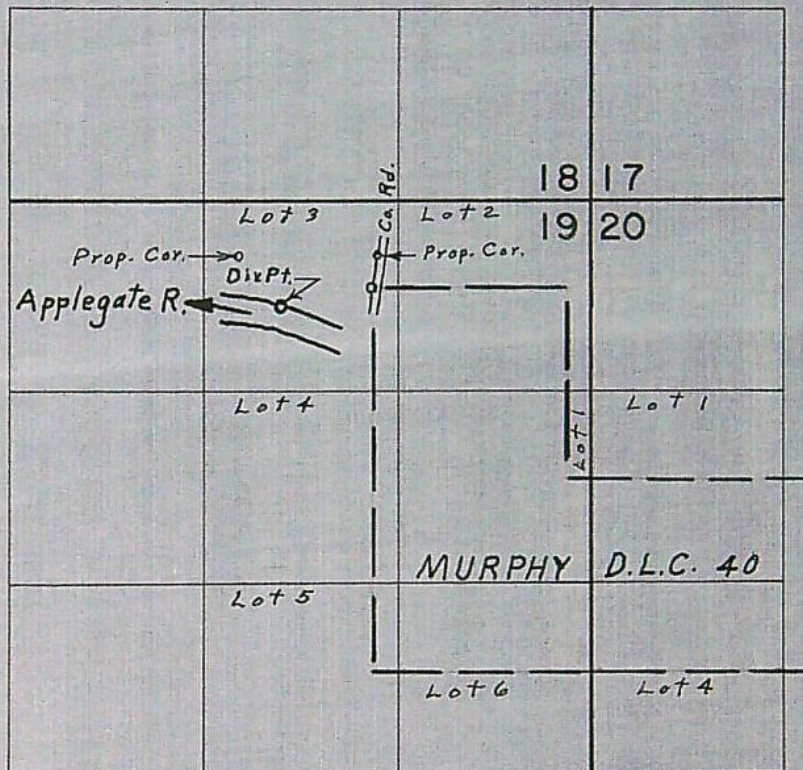
Date	Amount	Check No.

REMARKS

see also app. 11638 and 28264 Need survey of land when
FP for ch. in pt div

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	<u>WH</u>	
	Stream	<u>WH</u>	
	Pt. of Div.		
	Calendar	<u>WH</u>	
	CHECKED TO RECORDS:		
	Twp. & Rge.	<u>WH</u>	
	Decree-vault	<u>WH</u>	
	Decree-safe	<u>WH</u>	
	Cert. of W/R	<u>WH</u>	
	Per. Folder	<u>WH</u>	
	Chaindex		
	Cross Ref.		
	Lower Claim		
	Abstracts		

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



Div. Pt. located 130' S. & 610' W. from N.W. Cor. Murphy D.L.C. 40

FINAL PROOF SURVEY
UNDER

Application No. _____ Transfer No. 2449
Permit No. _____

IN NAME OF

GEORGE E. BRETZ

Surveyed May 14, 1975, by L. E. Gould

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF GEORGE E. BRETZ FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM APPEGATE RIVER)

ORDER APPROVING
TRANSFER NO. 2449

On September 24, 1970, George E. Bretz 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 Louise C. Selleck for the use of the waters of Applegate River for the irrigation of, among other lands, 6.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 37 South, Range 5 West, W.M., with a date of priority of 1903, as evidenced by certificate of water right recorded at page 16253, Volume 13, State Record of Water Right Certificates. These lands are irrigated from a point of diversion located 850 feet South and 1090 feet East from the North $\frac{1}{4}$ corner of Section 19, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 37 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 660 feet South and 415 feet East from the North $\frac{1}{4}$ corner of Section 19, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, 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 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 6, 1974 at 9:30 a.m. The notice was published in the Grants Pass Daily Courier, a newspaper printed

and having general circulation in Josephine County, Oregon for a period of three weeks in the issues of June 13, 20 and 27, 1974. 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 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 850 feet South and 1090 feet East from the North $\frac{1}{4}$ corner of Section 19, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 37 South, Range 5 West, W.M.

To a point to be located 660 feet South and 415 feet East from the North $\frac{1}{4}$ corner of Section 19, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 37 South, Range 5 West, W.M.

for the irrigation of 6.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 37 South, Range 5 West, W.M., with a date of priority of 1903, 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, 1975.

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 0.16 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 head-gates 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 Louise C. Selleck and recorded at page 16253, 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 George E. Bretz confirming the change in point of diversion.

Dated at Salem, Oregon, this 13th day of August, 1974.

/s/ CHRIS L. WHEELER
State Engineer

RECEIVED

JUL 1 1974

STATE ENGINEER
SALEM, OREGON AFFIDAVIT OF PUBLICATION

LEGAL NOTICE

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

Notice is given hereby that George E. Bretz 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 Louise C. Selleck for the use of the waters of Applegate River for the irrigation of, among other lands, 6.2 acres in the NW¹/₄ NE¹/₄, Sec. 19, T. 37 S., R. 5 W., W.M., with a date of priority of 1903.

These lands are irrigated from a point of diversion located 850 ft. S. and 1090 ft. E. from the NW¹/₄ corner of Sec. 19, being within the NW¹/₄ NE¹/₄, Sec. 19, T. 37 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 660 ft. S. and 415 ft. E. from the NW¹/₄ corner of Sec. 19, being within the NW¹/₄ NE¹/₄, Sec. 19, 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 August 6, 1974 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 George E. Bretz, 101 Panther Gulch Road, Williams, Oregon 97544, 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 6th day of June, 1974.

CHRIS L. WHEELER
State Engineer

No. 98-Thurs. June 13, 20 & 27, 1974

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

_____, a printed copy of

which is hereto annexed, was published in the entire issue of said news-

paper for _____³_____ successive and consecutive weeks in the following

issues _____
June 13, 20, and 27, 1974

Subscribed and sworn to before me this _____ 27th _____ day of

June, 19 74

Notary Public of Oregon.

My commission expires _____ 4th _____ day of February _____, 19 76

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Louise C. Selleck

of Murphy, 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 9.7 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 1903;

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 0.25 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:

9.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$.
Section 19,
T. 37 S., R. 5 W., W. M. .

97
62
35

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, 1919 .

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16253