

2591 R.L. Hammer
Box 417
Selma, Ore. 97538

2591

STATUS OF APPLICATION

Place of Use and Point of Diversion
Change in
Date filed December 6, 1971
Date of hearing July 26, 1972 9:30 a.m.
Place of hearing Grants Pass
Date of order Dec 13, 1972 Vol. 22, page 352
Date for application of water October 1, 1973
Proof mailed
Proof received
Certificate issued 5-31-23 Vol. 31, page 39239 REC.
JUL 3 1979 41
JUL 3 1979 41
48253
48254

DESCRIPTION OF WATER RIGHT

Name of stream Clear Creek
Trib. of I Hinds River County of Josephine
Use Irrigation
Quantity of water No. of acres 30
Name of ditch Hammer
Date of priority 1933 (Private by Priority)
In name of R.L. Hammer & Co. by R.L. Hammer, Jr.
Adjudication, Vol. , page
App. No. 14911 Per. No. 10869 Cert. No. 12241
Certificate cancelled
Notation made on record by sh

FEES PAID

Date	Amount	Receipt No.
12-2-71	55.00	26382
5-22-72	5.00	28455
9-8-72	254 P.O.N.	30577
TOTAL	3.00	
9-8-72	\$1 Cert. Fee	30577

FEES REFUNDED

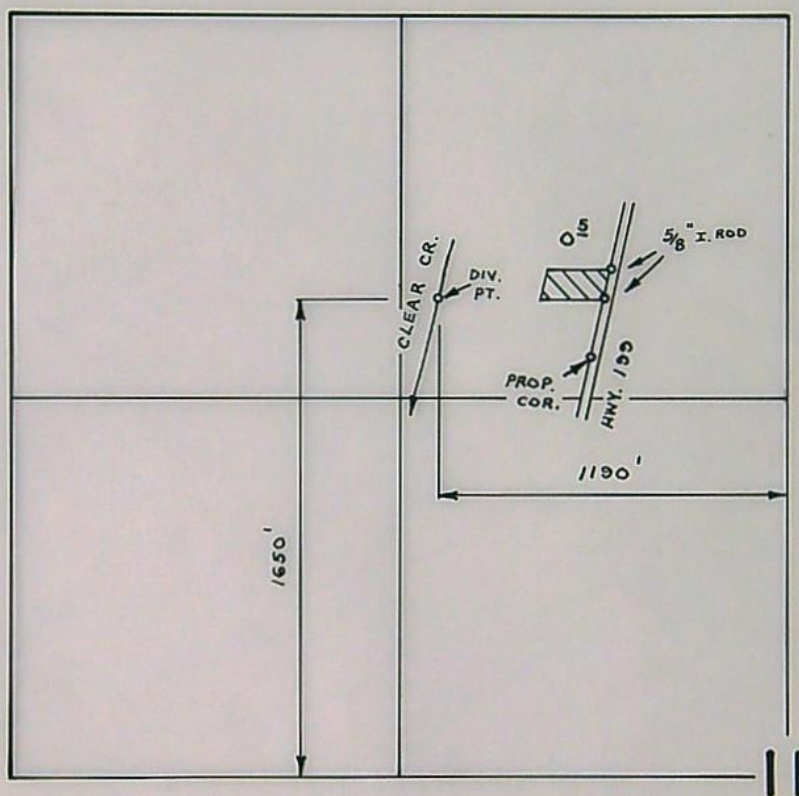
Date	Amount	Check No.
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REMARKS

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
Name		
Stream		
Pt. of Div.		
Calendar		
CHECKED TO RECORDS:		
Twp. & Rge.		
Decree-vault		
Decree-safe		
Cert. of W/R		
Per. Folder		
Chaindex		
Cross Ref.		
Power Claim		
Abstracts		

T. 38 S., R. 8 W., W.M.



SCALE : 1" = 660 FT.

FINAL PROOF SURVEY
UNDER

Transfer No. 2591

Application No. _____ Permit No. _____

IN NAME OF

R. L. HAMMER

Surveyed JUL. 17 1978, by B. SUND

D.H.M.

P.T.S. - 1978 - 14 - A

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

R. L. HAMMER

of P. O. Box 417, Selma, State of Oregon, 97538, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Clear Creek

a tributary of Illinois River for the purpose of irrigation of 2.0 acres

under Permit No. 10869 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 27, 1933 for 0.025 c.f.s. and June 8, 1933 for 0.015 c.f.s., that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.04 cubic foot per second, if available at the original point of diversion; SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, T. 38 S., R. 8 W., W. M., 230 feet North and 650 feet West from the N $\frac{1}{4}$ Corner, Section 11

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, T. 38 S., R. 8 W., W. M., 1650 feet North and 1190 feet West from the Center, Section 11

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fiftieth of one cubic foot per second per acre, or its equivalent for each acre irrigated throughout the irrigation season from April 1, to November 1 of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

2.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 11
T. 38 S., R. 8 W., W. M.

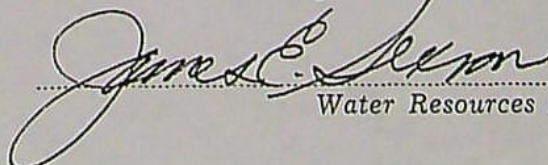
This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the Water Resources Director entered December 13, 1972 and together with certificates of water right recorded on Page 48254, Volume 41 and Page 39239, Volume 31, State Record of Water Right Certificates supersedes certificate of water right recorded on Page 12241, Volume 11, 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.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. July 3, 1979


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 41, page 48253

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF R. L. HAMMER FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER FROM)
CLEAR CREEK)

ORDER APPROVING
TRANSFER NO. 2591

On December 6, 1971, R. L. Hammer filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Clear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to R. L. Hammer & Company, by R. L. Hammer, Jr., and recorded at page 12241, Volume 11, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.19 cubic foot per second with a date of priority of April 27, 1933, and 0.11 cubic foot per second with a date of priority of June 8, 1933, from Clear Creek, for the irrigation of, among other lands, 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 38 South, Range 8 West, W.M. These lands are irrigated from a point of diversion located 230 feet North and 650 feet West from the North $\frac{1}{4}$ corner of Section 11, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 38 South, Range 8 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and divert the water for irrigation through a pump from a point located 1540 feet North and 1200 feet West from the center of Section 11, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 38 South, Range 8 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 26, 1972, at 9:30 a.m. The notice was published in the Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of June 1, 8, and 15, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert Steimer, Watermaster of District No. 14, has filed a report to the effect that the proposed change in place of use and 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 place of use and 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 place of use of water is approved and the water right hereinbefore described as appurtenant to 0.5 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 38 South, Range 8 West, W.M., with dates of priority of April 27, 1933 and June 8, 1933, be severed therefrom and simultaneously and without loss of priority transferred to 0.5 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 38 South, Range 8 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Clear Creek, to-wit:

From a point located 230 feet North and 650 feet West from the North $\frac{1}{4}$ corner of Section 11, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 38 South, Range 8 West, W.M.

To a point to be located 1540 feet North and 1200 feet West from the center corner of Section 11, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 38 South, Range 8 West, W.M.

for the irrigation of 0.5 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, together with 1.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 38 South, Range 8 West, W.M., with dates of priority of April 27, 1933, and June 8, 1933, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1973.

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 be limited to 0.026 cubic foot per second with a priority date of April 27, 1933, and 0.014 cubic foot per second with a priority date of June 8, 1933.

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.

Warren S. and Virginia B. Morse have filed an application for approval of a change in point of diversion for the irrigation of 1.0 acres of the right evidenced by the certificate recorded at page 12241, Volume 11, State Record of Water Right Certificates.

It is FURTHER ORDERED that certificate of water right heretofore issued to R. L. Hammer & Co., by R. L. Hammer, Jr., and recorded at page 12241, Volume 11, 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 excluding the

lands described in the application of Warren S. and Virginia B. Morse, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, and place of use, a certificate of water right shall be issued to R.L. Hammer confirming the extent the water has been applied beneficially and the change in point of diversion,

Dated at Salem, Oregon, this 13th day of December, 1972.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. L. HAMMER & CO. by R. L. Hammer, Jr.

of Selma, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Clear Creek

a tributary of Illinois River for the purpose of

Irrigation of 12.0 acres

under Permit No. 10869 of the State Engineer, and that said right to the use of said waters

has been perfected in accordance with the laws of Oregon; that the priority of the right hereby

confirmed dates from April 27, 1933 for 0.19 second-foot and June 8, 1933 for

0.11 second-foot; 0.152

that the amount of water to which such right is entitled and hereby confirmed, for the purposes

aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

0.3 cubic foot per second

0.24

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 38 South, Range 8 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fiftieth of one cubic foot per second per acre, or its equivalent for each acre irrigated throughout the irrigation season from April 1, to November 1 of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

~~12~~ 3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
12 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 11

Certificate of water right issued to R. L. Hammer & Co. by R. L. Hammer, Jr. and recorded at page 12241,

Volume 11, State Record of Water Right Certificates, confirms the right to the use of

water for irrigation of 15² acres. A change in the right to the use of water

appurtenant to 3² acres was approved by order of the State Engineer entered Dec. 13, 1972 and Dec. 18, 1972,

19. This certificate is issued to confirm the remaining right to the use of water for

irrigation and supersedes the certificate heretofore issued to R. L. Hammer & Co. by R. L. Hammer, Jr.

WITNESS the signature of the State Engineer, affixed

this 18th day of October

, 1939 .

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 12241

3/

39239

Cert (B)

STATE OF OREGON

COUNTY OF JOSEPHINE TO YEAR 2000

CERTIFICATE OF WATER RIGHT

This Is to Certify,

WARREN S. and VIRGINIA B. MORSE

18252 REDWOOD HIGHWAY

That ~~R. L. HAMMER & CO.~~ by ~~R. L. Hammer, Jr.~~

of Selma, State of Oregon 97538, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Clear Creek

a tributary of Illinois River for the purpose of Irrigation of 1.04222

under Permit No. 10869 of the State Engineer, and that said right to the use of said waters

has been perfected in accordance with the laws of Oregon; that the priority of the right hereby

confirmed dates from April 27, 1933 for 0.19 second-foot and June 8, 1933 for

0.007 0.11 second-foot;

0.013

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

0.02 cubic foot per second, if AVAILABLE AT THE ORIGINAL POINT

OF DIVERSION, SE 1/4 SW 1/4 Sec 2 T-38S, R. 8W, W. 4, 230 ft N and

650 ft W from the N 1/4 Cor Sec 11

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the NE 1/4 of Section 11, Township 38 South, Range 8 West, W. M.

1420 ft N and 1240 ft W from the Center, Sec 11

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fiftieth of one cubic foot per second per acre, or its equivalent for each acre irrigated throughout the irrigation season from April 1, to November 1 of each year,

Hereby

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.

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

1.0 1/2 acres in the NE 1/4

12 acres in the SE 1/4

Section 11

Township 38 South, Range 8 West, W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered DEC 18, 1972 and together with certificates of water right recorded on Page Cert (A) Vol. 9 Volume Page 39239 Vol 31, SRWRC supersedes certificate of water right recorded on Page 12241, Volume 11, SRWRC.

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

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 12241

48254

LEGAL NOTICE

NOTICE OF FILING APPLICATION FOR CHANGE IN POINT OF DIVERSION

Notice is given hereby that R. L. Hammer has filed an application for the approval of a change in point of diversion and place of use of water from Clear Creek.

Certificate of water right issued to R. L. Hammer & Company and recorded at page 12241, Volume 11, State Record of Water Right Certificates, confirms a right to the use of 0.30 cubic foot per second from Clear Creek for the irrigation of, among other lands, 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 38 South, Range 8 West, W.M., with dates of priority of April 27, 1933 and June 8, 1933. Water for this use is diverted from a point located 230 feet North and 650 feet West from the North $\frac{1}{4}$ corner of Section 11, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 38 South, Range 8 West, W.M.

Affidavit of Publication

STATE OF OREGON,
County of Josephine

} ss.

I, Robert L. Grant, being first duly sworn, depose and say I am the foreman of the printers of the Illinois Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined

in Section 58, Oregon Laws, that Notice filing application

change point of diversion a printed copy of which is hereto an-

nexed, was published in the entire issue of said newspaper for 3

successive and consecutive weekly issues on the following dates:

June 1, 8, and 15, 1972

Robert L. Grant

Subscribed and sworn to before me this 11 day
of July, 1972

Notary Public for Oregon.

(My Commission expires).

Frank Grove Ault, Jr.

FRANK GROVE AULT, JR.
NOTARY PUBLIC — OREGON
My Commission Expires 1/27/76

LEGAL NOTICE

NOTICE OF FILING APPLICATION FOR CHANGE IN POINT OF DIVERSION

Notice is given hereby that R. L. Hammer has filed an application for the approval of a change in point of diversion and place of use of water from Clear Creek.

Certificate of water right issued to R. L. Hammer & Company and recorded at page 12241, Volume 11, State Record of Water Right Certificates, confirms a right to the use of 0.30 cubic foot per second from Clear Creek for the irrigation of, among other lands, 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 38 South, Range 8 West, W.M., with dates of priority of April 27, 1933 and June 8, 1933. Water for this use is diverted from a point located 230 feet North and 650 feet West from the North $\frac{1}{4}$ corner of Section 11, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 38 South, Range 8 West, W.M.

The applicant herein, owner of the land above described, proposes to irrigate these lands from a point of diversion to be located 1540 feet North and 1200 feet West from the center of Section 11, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 38 South, Range 8 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on July 26, 1972, 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 R. L. Hammer, Sr., Box 417, Selma, 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 24th day of May, 1972.

CHRIS L. WHEELER

State Engineer

Publish: June 1, 8, 15, 1972

Affidavit of Publication

STATE OF OREGON, }

County of Josephine }

ss.

I, Robert L. Grant, being first duly sworn, depose and say I am the foreman of the printers of the Illinois Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined

in Section 58, Oregon Laws, that Notice filing application
Change point of diversion a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3

successive and consecutive weekly issues on the following dates:

June 1, 8, and 15, 1972

Robert L. Grant

Subscribed and sworn to before me this 11 day
of July, 1972

Notary Public for Oregon.

(My Commission expires).

LEGAL NOTICE

NOTICE OF FILING APPLICATION FOR CHANGE IN POINT OF DIVERSION

Notice is given hereby that R. L. Hammer has filed an application for the approval of a change in point of diversion and place of use of water from Clear Creek.

Certificate of water right issued to R. L. Hammer & Company and recorded at page 12241, Volume 11, State Record of Water Right Certificates confirms a right to the use of 0.30 cubic foot per second from Clear Creek for the irrigation of, among other lands, 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 38 South, Range 8 West, W.M., with dates of priority of April 27, 1933 and June 8, 1933. Water for this use is diverted from a point located 230 feet North and 650 feet West from the North $\frac{1}{4}$ corner of Section 11, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 38 South, Range 8 West, W.M.

The applicant herein, owner of the land above described, proposes to irrigate these lands from a point of diversion to be located 1540 feet North and 1200 feet West from the center of Section 11, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 38 South, Range 8 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on July 26, 1972, 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 R. L. Hammer, Sr., Box 417, Selma, 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 24th day of May, 1972.

CHRIS L. WHEELER
State Engineer

Publish: June 1, 8, 15, 1972

Affidavit of Publication

STATE OF OREGON,
County of Josephine

ss.

I, Robert L. Grant, being first duly sworn, depose and say I am the foreman of the printers of the Illinois Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined in Section 58, Oregon Laws, that R. L. Hammer Legal Notice filing application point of diversion Clear Creek a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3

successive and consecutive weekly issues on the following dates:

June 1, 8, 15, 1972

Subscribed and sworn to before me this 29 day of August, 1972

(My Commission expires



RECEIVED
AUG 1 1972
STATE ENGINEER
SALEM OREGON