

Herman Miller  
2355 10535 State Road  
Eagle Point 97524

2355

# STATUS OF APPLICATION

Change in point of diversion  
Date filed 1-14-74  
Date of hearing 4-9-74  
Place of hearing Mulford, Or  
Date of order 4-15-74 Vol. 24, page 222-224  
EXT 10-1-75  
Date for application of water 10-1-74  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued **JAN 29 1979** Vol. 40, page 47282  
Survey 10/75

# DESCRIPTION OF WATER RIGHT

Name of stream Rogue River  
Trib. of \_\_\_\_\_ County of Jackson  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 40.0  
Name of ditch Stowell Ditch (Nichols & Co. ditch)  
Date of priority 1898  
In name of Vida & Clarence Ranbier  
Rogue River Supply Adjudication, Vol. 13, page 367  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 34528  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

# REMARKS

## FEES PAID

Take 50 from P.O.N. when paying paper

Date	Amount	Receipt No.
<u>1-14-74</u>	<u>25.00</u>	<u>38218</u>
<u>1-14-74</u>	<u>45.00 P.O.N.</u>	<u>38219</u>
<u>3-5-74</u>	<u>5.00 P.O.N.</u>	<u>to Pending fee.</u>
TOTAL . . .		
<u>3-5-74</u>	<u>\$150</u> Cert. Fee	<u>From P.O.N.</u>

## FEES REFUNDED

Date	Amount	Check No.
<u>3-5-74</u>	<u>\$13.00</u>	<u>From P.O.N.</u>

## INDEX CARDS: Entered Checked

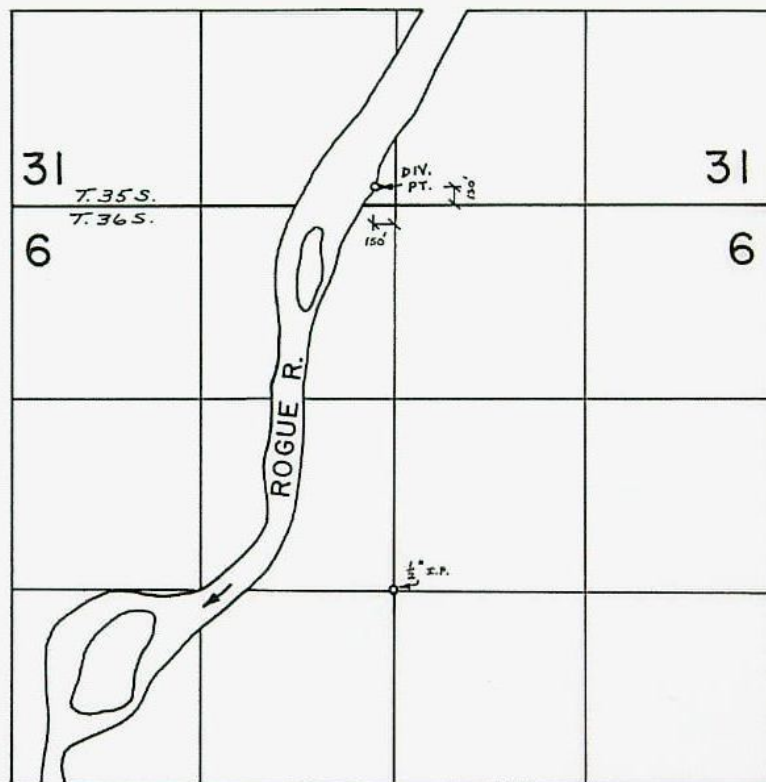
—	Name	<u>WH</u>	—
—	Stream	<u>WH</u>	—
—	Pt. of Div.	—	—
—	Calendar	<u>WH</u>	—
—	CHECKED TO RECORDS:		
✓	Twp & Rge.	<u>WH</u>	—
✓	Decree-vault	<u>WH</u>	—
✓	Decree-sale	<u>WH</u>	—
✓	Cert. of W/R	<u>WH</u>	—
—	Per. Folder	—	—
—	Chainindex	—	—
—	Cross Ref.	—	—
—	Prov. Claim	—	—
—	Abstracts	—	—

TO BE ENTERED WHERE CHECKED

See also: Sp D. 15, 212 — H-171  
16, 420 — N-37



T.35&36S.,R.1W.,W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. TR-2956 Permit No.                       
IN NAME OF

HERMAN HUEBNER

Surveyed AUG. 22 1978, by B. SUND

## STATE OF OREGON

COUNTY OF

JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That HERMAN HUEBNER

10535 AGATE RD.  
 of ~~Route 1, Box 317~~, Eagle Point  
 to the use of the waters of Rogue River

, State of Oregon <sup>97524</sup>, has a right

a tributary of Pacific Ocean for the purpose of  
 irrigation of 40.0 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 16, at page 523; that the priority of the right thereby  
 confirmed dates from 1898

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 1.00 cubic foot per  
 second

The point of diversion is located in the SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Section 20<sup>31</sup>, T. 35 S., R. 1 W., W. M.  
 Diversion point located ~~1310~~ feet North and ~~20~~ feet West from the S<sup>1</sup>/<sub>4</sub> Corner, Section 20<sup>31</sup>  
 A description of the place of use <sup>130</sup> under the right, and to which such right is appurtenant, is as  
 follows:

40.0 acres SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
 Section 6  
 T. 36 S., R. 1 W., W. M.

This certificate is issued to confirm a change in point of diversion approved  
 by an order of the WRD entered APRIL 15, 1968 and supersedes certificate of water right  
 recorded on Page 34528, Volume 26, SRWRC.

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 State Engineer, affixed

this date January 30, 19 68

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34528



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

Notice is given hereby that Herman Huebner has filed an application for the approval of a change in point of diversion of water from Rogue River.

In the Rogue River Adjudication proceedings a water right was established in the name of Clarence and Vida Rankin for the irrigation of, among other lands, 40.0 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 6, T. 36 S., R. 1 W., W.M., with a date of priority of 1898.

The water is conveyed to these lands by means of the Nichols & Co. (Stowell) Ditch, the point of diversion being located 1310 ft. N. and 20 ft. W. from the S $\frac{1}{4}$  corner of Sec. 20, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 20, T. 35 S., R. 1 W., W.M.

The applicant herein proposes to irrigate these lands by means of a pump, to be located 230 ft. N. and 70 ft. W. from the S $\frac{1}{4}$  corner of Sec. 31, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 31, T. 35 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse in Medford, Oregon, on April 9, 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 objections shall be prepared in writing, one copy to be served on Herman Huebner, 10535 Agate Road, Eagle Point, Oregon 97524, 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 8th day of February, 1974.

CHRIS L. WHEELER  
State Engineer

**Affidavit of Publication**

State of Oregon, }  
County of Jackson } ss.

1. Evalynne D. Smith, being first duly

sworn, depose and say that I am the.....  
(OWNER, EDITOR, PUBLISHER, MANAGER.)

**Principal Clerk**

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN)

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state:

that the Notice of Filing Application for change in

Pt. of Div. of Water - H. Huebner, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the

following issues Feb. 14, 21, 28, 1974  
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Evalynne D. Smith

Subscribed and sworn to before me this 28th day of Feb., 19 74

Chris L. Wheeler  
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of Oct., 19 77

RECEIVED

MAR 1 1974

STATE ENGINEER  
SALEM, OREGON



BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF HERMAN HUEBNER FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM ROGUE RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. 2956

On January 14, 1974, Herman Huebner filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered May 19, 1964, 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 Vida Rankin and Clarence Rankin for the use of the waters of Rogue River for the irrigation of 40.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 6, Township 36 South, Range 1 West, W.M., with a date of priority of 1898, as evidenced by certificate of water right issued in the name of Herman Huebner and recorded at page 33673, Volume 26, State Record of Water Right Certificates. These lands are irrigated by means of the Nichols & Company ditch (Stowell ditch) from a point of diversion located 1310 feet North and 20 feet West from the South  $\frac{1}{4}$  corner of Section 20, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 20, Township 35 South, Range 1 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 230 feet North and 70 feet West from the South  $\frac{1}{4}$  corner of Section 31, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 31, Township 35 South, Range 1 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 Medford, Oregon on April 9, 1974 at 9:30 a.m. The



notice was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of February 14, 21 and 28, 1974. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, 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 Rogue River, to wit:

From a point located 1310 feet North and 20 feet West from the South  $\frac{1}{4}$  corner of Section 20, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 35 South, Range 1 West, W.M.

To a point to be located 230 feet North and 70 feet West from the South  $\frac{1}{4}$  corner of Section 31, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 31, Township 35 South, Range 1 West, W.M.

for the irrigation of 40.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 6, Township 36 South, Range 1 West, W.M., with a date of priority of 1898, 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, 1974.

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 1.00 cubic feet 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 Herman Huebner and recorded at page 34528, Volume 26, State Record of Water Right Certificates, is canceled, 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 Herman Huebner confirming the change in point of diversion.

Dated at Salem, Oregon, this 15th day of April, 1974.

/s/ CHRIS L. WHEELER  
State Engineer