

Liggett E. + Allen
2964 Simmons
11842 Ramsey Rd. Medford

2964

STATUS OF APPLICATION

Change in character of use
Date filed 1-24-74
Date of hearing 4-6-77
Place of hearing Medford
Date of order 4-13-77 Vol. 28, page 459
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued JUL 10 1985 Vol. 48, page 53228
53229

DESCRIPTION OF WATER RIGHT

Name of stream Unnamed spring
Trib. of _____ County of Jackson
Use Fish Culture & Recreation
Quantity of water 9.0 ac-ft and 0.6 cfs No. of acres _____
Name of ditch Drizzle reservoir
Date of priority Oct. 31, 1951 & Oct. 1, 1951
In name of Robert C. Minnick
_____ Adjudication, Vol. _____, page _____
R-26605 R-1274 38650
App. No. 26529 Per. No. 20791 Cert. No. 38651
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>1-24-74</u>	<u>30.00</u>	<u>38387</u>
<u>7-24-74</u>	<u>25.00 P.O.N.</u>	<u>38388</u>
<u>3-21-74</u>	<u>10.00</u>	<u>From app # 51070</u>
TOTAL . . .		
	No Cert. Fee	
<u>Medford mail Tribune</u>	<u>34 76</u>	<u>ck. # 1218</u>

FEES REFUNDED

Date	Amount	Check No.
<u>3-24-77</u>	<u>5 24</u>	<u>1219</u>

Fees Exam 15 -
Nov 10
25 -

REMARKS

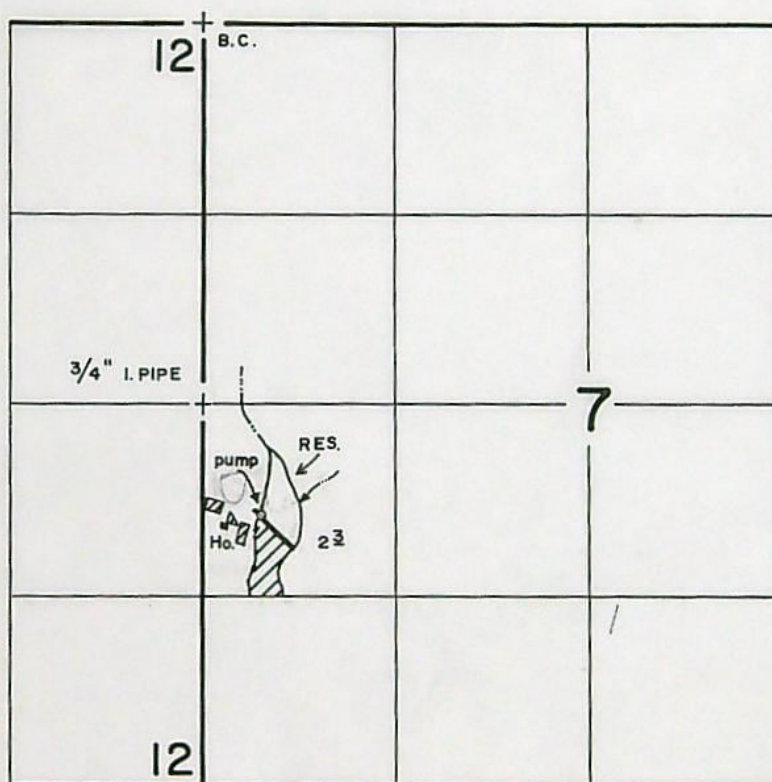
see App/ 51070 - withdrawn
See A-48126 final proof T-2964 & permit 35410 sometime

W.R.I.S.
Assembled 8/2/85 by CLH
Entered _____ by _____
Indexed _____ by _____

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

Simmons 2

T. 35 S., R. 2 W., W.M.



DIV. PT. : 750'S & 390' E from W 1/4 COR.

FINAL PROOF SURVEY
UNDER

Transfer No. 2964

Application No. Permit No.

IN NAME OF

GIPSON E. & ALEEN SIMMONS

Surveyed JULY 22, 1982, by B.S. JAMES.....

Scale: 4" = 1 Mile

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That GIPSON E. & ALEEN SIMMONS
~~ROBERT G. MINNICK~~
 of 11842 RAMSEY ROAD
 Route 2, Box 438, Gold Hill, State of Oregon 97525, has made proof
~~in GIBBLE RESERVOIR~~
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
~~unnamed springs and watershed area, tributary of Sams Creek, appropriated under~~
~~application number 26529, permit number 20791~~ in GIBBLE RESERVOIR

for the purposes of
~~fish culture and recreation~~ IRRIGATION
 under Reservoir Permit No. R-1274 of the State Engineer, and that said right to store said
 waters has been perfected in accordance with the laws of Oregon; that the priority of the right
 hereby confirmed dates from October 31, 1951

that the amount of water entitled to be stored each year under such right, for the purposes afore-
 said, shall not exceed 9.0 acre feet

The reservoir is located in

NW 1/4 SW 1/4
Section 7
T. 35 S., R. 2 W., W. M.

USE OF WATER
 This certificate is issued to confirm a change in ~~point of diversion~~ approved
 by an order of the Water Resources Director entered 4-13-77 and
 supersedes certificate of water right recorded at page 38650,
 Volume 30, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of
 the water right in regard to the provisions of ORS 540.610 pertaining to
 forfeiture or abandonment.

WITNESS the signature of the State Engineer, affixed
 this date. November 3, 1972

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38650

53228

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~GIPSON E. & ALLEN SIMMONS~~
~~ROBERT C. MINNICK~~
 of ~~11842 RAMSEY ROAD~~
 of ~~Route 2, Box 438, Gold Hill~~, State of ~~Oregon~~ ⁹⁷⁵²⁵, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
 unnamed springs and ~~reservoir~~ ^{GRIFFLE} constructed under application number ~~R-26605~~,
 permit number ~~R-1274~~
 a tributary of ~~SAMS CREEK~~ for the purpose of
~~fish culture and recreation~~ ^{IRRIGATION OF 2.3 ACRES}

under Permit No. ~~20791~~ 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 ~~October 1, 1951~~

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
~~0.06 cubic foot per second~~

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the ~~NW 1/4 SW 1/4~~, Section 7, T. 35 S., R. 2 W., W. M.;
~~750 ft. S. & 390 ft. E. from the W. 1/4 Cor Sec. 7~~

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 ~~1/40th~~ of one cubic foot per second
 per acre, ~~OR ITS EQUIVALENT FOR EACH ACRE IRRIGATED FROM DIRECT FLOW~~
~~AND SHALL BE FURTHER LIMITED TO A DIVERSION NOT TO EXCEED 4 1/2~~
~~ACRE FEET PER ACRE FOR EACH ACRE IRRIGATED DURING THE IRRIGATION~~
~~SEASON OF EACH YEAR BETWEEN~~

~~The appropriation of water is limited to the period between April 1~~
~~and November 1 of each year FROM DIRECT FLOW AND STORAGE FROM~~
~~THE RESERVOIR CONST. UNDER PERMIT R-1274,~~

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:

~~2.32c~~ - NW 1/4 SW 1/4
 Section 7
 T. 35 S., R. 2 W., W. M.

This certificate is issued to confirm a change in ~~point of diversion~~ ^{USE OF WATER} approved
 by an order of the Water Resources Director entered ~~4-13-77~~ and
 supersedes certificate of water right recorded at page ~~38651~~,
 Volume ~~30~~, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of
 the water right in regard to the provisions of ORS 540.610 pertaining to
 forfeiture or abandonment.

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. November 3, 1972

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38651

53229

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }
OF GIPSON E. AND ALEEN SIMMONS FOR }
APPROVAL OF A CHANGE IN USE OF }
WATER FROM UNNAMED SPRINGS AND }
RESERVOIR }

ORDER APPROVING
TRANSFER NO. 2964

On January 24, 1974, Gipson E. and Aleen Simmons filed an application in the office of the Water Resources Director for approval of a change in use heretofore made under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Robert C. Minnick and recorded at Page 38650, Volume 30, State Record of Water Right Certificates, describes a right for the construction of a reservoir and storage of 9.0 acre feet of water from unnamed springs and watershed area in said reservoir in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 35 South, Range 2 West, W.M., with a date of priority of October 31, 1951, for fish culture and recreation.

Certificate of water right issued to Robert C. Minnick and recorded at Page 38651, Volume 30, State Record of Water Right Certificates, describes a right to use not to exceed 0.06 cubic foot per second from unnamed springs within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 35 South, Range 2 West, W.M., and the reservoir described by certificate 38650, with a date of priority of October 1, 1951, for fish culture and recreation in said NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7; the appropriation of water being limited to the period between April 1 and November 1 of each year.

The applicants herein, owners of the lands above described, propose to change the use heretofore made of water to irrigation of a certain 2.3 acres of land in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 35 South, Range 2 West, W.M.

Notice of the application, pursuant to ORS 540.510, 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 18 and 25 and March 4, 1977.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in use heretofore made may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in use heretofore made may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in use heretofore made, described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted shall not exceed 0.06 cubic foot per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from unnamed springs and watershed area and the reservoir constructed under permit No. R 1274, and this appropriation shall be limited to 1/40 of one cubic foot per second or its equivalent for each acre irrigated from the direct flow, and shall be further limited to a diversion of not to exceed $4\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and stored water.

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.

WFF COLLOM
WFF COLLOM

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificates of water right heretofore issued to Robert C. Minnick and recorded at Pages 38650 and 38651, Volume 30, State Record of Water Right Certificates, are canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 13th day of April, 1977.

/s/ JAMES E. SEXSON
Director

WFF COLLOM
WFF COLLOM

NOTICE OF WATER RIGHT
TRANSFER APPLICATION NO. 2964
FOR CHANGE IN
USE OF WATER

Notice is given hereby that Gipson E. and Aleen Simmons have filed an application in the office of the Water Resources Director for the approval of a change in use of water from unnamed springs and watershed area.

Certificate of water right issued to Robert C. Minnick and recorded at Page 38650, Vol. 30, State Record of Water Right Certificates, describes a right for the construction of a reservoir and storage of 9.0 acre feet of water from unnamed springs and watershed area in said reservoir in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7, T. 35 S., R. 2 W., W.M., with a date of priority of Oct. 31, 1951, for fish culture and recreation.

Certificate of water right issued to Robert C. Minnick and recorded at Page 38651, Vol. 30, State Record of Water Right Certificates, describes a right to use not to exceed 0.06 cubic foot per second from unnamed springs within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7, T. 35 S., R. 2 W., W.M., and the reservoir described by certificate 38650, with a date of priority of Oct. 1, 1951, for fish culture and recreation in said NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7; the appropriation of water being limited to the period between April 1 and November 1 of each year.

The applicants herein, owners of the lands above described, propose to change the use heretofore made of water to irrigation of a certain 2.3 acres of land in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7, T. 35 S., R. 2 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on April 6, 1977, 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 Gipson E. and Aleen Simmons, 11842 Ramsey Rd., Gold Hill, Or., 97525, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 8th day of February, 1977.

JAMES E. SEXSON
Director

RECEIVED

Affidavit of Publication MAR - 9 1977

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon,
County of Jackson

ss.

1. Sharon J. Morris, 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 water rights transfer

No. 2964 / Gipson E. Simmons, 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. 18, 25, March 4, 1977

(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Subscribed and sworn to before me this 4th day of March, 1977

James E. Sexson
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1977