

2980

## STATUS OF APPLICATION

Change in point of diversion  
 Date filed 2-19-74  
 Date of hearing 6-27-74  
 Place of hearing Grants Pass  
 Date of order 7-8-74 Vol. 25, page 30-32  
 Date for application of water 10-1-75  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued MAY 19 1978 Vol. 38, page \_\_\_\_\_

45666

Survey 12/75

## DESCRIPTION OF WATER RIGHT

Name of stream Applegate River  
 Trib. of \_\_\_\_\_ County of Josephine  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 3.6  
 Name of ditch Rogers pipeline  
 Date of priority June 30, 1952  
 In name of Dale H. Rogers  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 27400 Per. No. 21565 Cert. No. 27350  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
2-19-74	30.00	38713
2-19-74	40.00 P.O.N.	38714
TOTAL . . .		
5-28-74	1.50 Cert. Fee	From P.O.N.

## FEES REFUNDED

Date	Amount	Check No.
5-28-74	\$4.28 P.O.N.	5806

## REMARKS

T-5261 A POD 1<sup>st</sup> ac from C-45666

W.R.I.S.	
Assembled	<u>6/11/85</u> by <u>CLH</u>
Entered	_____ by _____
Verified	_____ by _____

INDEX CARDS: Entered (Checked)

<u>NO</u>	Name	<u>✓</u>	<u>✓</u>
<u>NO</u>	Stream	<u>✓</u>	<u>✓</u>
<u>WA</u>	Pt. of Div.	<u>✓</u>	<u>✓</u>
<u>NO</u>	Calendar	<u>✓</u>	<u>✓</u>
<u>NO</u>	Twp. & Rgo.	<u>✓</u>	<u>✓</u>
<u>NO</u>	Decree-vault	<u>✓</u>	<u>✓</u>
<u>NO</u>	Decree-safe	<u>✓</u>	<u>✓</u>
<u>NO</u>	Cert. of W/R	<u>✓</u>	<u>✓</u>
<u>NO</u>	Per. Folder	<u>✓</u>	<u>✓</u>
<u>NO</u>	Chainindex	<u>✓</u>	<u>✓</u>
<u>NO</u>	Cross Ref.	<u>✓</u>	<u>✓</u>
<u>NO</u>	Power Claim	<u>✓</u>	<u>✓</u>
<u>NO</u>	Abstracts	<u>✓</u>	<u>✓</u>

TO BE ENTERED WHEN CHECKED

## STATE OF OREGON

COUNTY OF JOSEPHINE

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That DALE H. ROGERS

of Route 3 Box 393, Grants Pass, 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 Applegate River a tributary of Rogue River for the purpose of irrigation of 6.2 acres,

under Permit No. 21565 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 June 30, 1952,

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 0.08 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 SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 8, Township 37 South, Range 6 West, W.M. Wilderville Ditch - NW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec 15, 650'S & 890'E from the W $\frac{1}{4}$  cor Sec 15, T37S R6W 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-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated 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,

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:

2.6 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
3.6 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 8  
Township 37 South, Range 6 West, W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 27350, Volume 19, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 8, 1974, approving transfer application No. 2980, as well as to confirm the change in point of diversion approved by the same order.

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

use herein described.

WITNESS the signature of the State Engineer, affixed

this date. AUGUST 9 1960

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page 27350

# LEGAL NOTICE

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

Notice is given hereby that Dale H. Rogers has filed an application for the approval of a change in point of diversion of water from Applegate River.

Certificate of water right issued to Dale H. Rogers and recorded at page 27350, Volume 19, State Record of Water Right Certificates, confirms a right to the use of 0.08 cubic foot per second of water from Applegate River for the irrigation of, among other lands; 3.6 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 8, T. 37 S., R. 6 W., W.M., with a date of priority of June 30, 1952. Water for this use is diverted from a point located 90 ft. N. and 540 ft. E. from the center of Sec. 8, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 8, T. 37 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 700 ft. S. and 1330 ft. E. from the W $\frac{1}{4}$  corner of Sec. 15, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 15, T. 37 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 on June 27, 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 Dale H. Rogers, 4344 Fish Hatchery Road, Wilderville, Oregon, 97543, and one copy to be 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 April, 1974.

CHRIS L. WHEELER  
State Engineer

No. 22-Fri.-May 3, 10, & 17, 1974

## AFFIDAVIT OF PUBLICATION

State of Oregon }  
County of Josephine } ss.

I, Charles J. Moore, 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 3 successive and consecutive weeks in the following issues May 3, 10, and 17, 1974

Charles J. Moore  
Subscribed and sworn to before me this 17th day of May, 1974

Notary Public of Oregon.  
My commission expires 4th day of February, 1976

RECEIVED

MAY 21 1974

STATE ENGINEER  
SALEM, OREGON

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION }  
OF DALE H. ROGERS FOR THE APPROVAL }  
OF A CHANGE IN POINT OF DIVERSION }  
OF WATER FROM APPELEGATE RIVER }  
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ORDER APPROVING  
TRANSFER NO. 2980

On February 19, 1974, Dale H. Rogers 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.

Certificate of water right issued to Dale H. Rogers and recorded at page 27350, Volume 19, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.08 cubic foot per second of water from Applegate River for the irrigation of, among other lands, 3.6 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 37 South, Range 6 West, W.M., with a date of priority of June 30, 1952. These lands are irrigated from a point of diversion located 90 feet North and 540 feet East from the center of Section 8, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 8, Township 37 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Wilderville Irrigation Company ditch from a point of diversion to be located 700 feet South and 1330 feet East from the West  $\frac{1}{4}$  corner of Section 15, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, Township 37 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 June 27, 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 May 3, 10 and 17, 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 90 feet North and 540 feet East from the center of Section 8, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 8, Township 37 South, Range 6 West, W.M.

To a point to be located 700 feet South and 1330 feet East from the West  $\frac{1}{4}$  corner of Section 15, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, Township 37 South, Range 6 West, W.M.

for the irrigation of 3.6 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 37 South, Range 6 West, W.M., with a date of priority of June 30, 1952, 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 0.05 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.

It is FURTHER ORDERED that certificate of water right heretofore issued to Dale H. Rogers and recorded at page 27350, Volume 19, 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 Dale H. Rogers confirming the change in point of diversion and including the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 8th day of July, 1974.

/s/ CHRIS L. WHEELER  
State Engineer