

2722 Lewis J. Poggione  
1455 C Applegate Rd.  
Tausanville, Ore. 97533

2722

STATUS OF APPLICATION

Change in Point of Diversion  
Date filed Oct 6, 1972  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 1-23-73 Vol. 22, page 961  
Date for application of water October 1, 1973  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued FEB 26 1974 Vol. 31, page 39819  
39838

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River  
Trib. of Rogue River County of Jackson  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 0.3  
Name of ditch \_\_\_\_\_  
Date of priority July 24, 1962  
In name of Mrs. Gertrude Heitkamp  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 37843 Per. No. 28212 Cert. No. 38441  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>10-6-72</u>	<u>25.00</u>	<u>31025</u>
TOTAL . . .	<u>3.00</u>	
<u>1-4-73</u>	Cert. Fee	<u>31968</u>

FEES REFUNDED

Date	Amount	Check No.
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TO BE ENTERED WILLING CHECKED

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

W.R.I.S.  
Assembled 7/29/85 by CLH  
Entered \_\_\_\_\_ by \_\_\_\_\_  
Verified \_\_\_\_\_ by \_\_\_\_\_



STATE OF OREGON  
COUNTY OF JACKSON

# CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** MRS. GERTRUDE HEITKAMP

of 2929 S. Pacific Highway, Medford, 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 ~~4.1~~ acres

<sup>4.1</sup> under Permit No. 28212 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 July 24, 1962

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

0.055

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the #1-SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 19; #2-SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 19, T. 40 S., R. 3 W., W. M. Diversion points located: #1-50 feet North and 1190 feet East from SW Corner, Section 19; #2-1940 feet South and 1160 feet West \*

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; provided further that the right to use of water is limited to the period when the flow of the Rogue River is more than 735 cubic feet per second at its mouth,

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:

0.5 acre SE $\frac{1}{4}$  NW $\frac{1}{4}$   
0.1 acre SW $\frac{1}{4}$  SW $\frac{1}{4}$   
2.0 ~~2.3~~ acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 19

0.1 acre NE $\frac{1}{4}$  NW $\frac{1}{4}$   
1.4 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 30  
T. 40 S., R. 3 W., W. M.

\* from N $\frac{1}{4}$  Corner, Section 19.

An order of the State Engineer entered Jan 29 1973, approves a change in pt. of Div. for the irrigation of 0.3 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to Mrs. Gertrude Heitkamp and recorded at page 38441, State Record of Water Right Certificates.

Recorded in State Record of Water Right Certificates, Volume 30, page 38441



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That Louis J. and Gladys M. Paggione  
~~MRS. GERTRUDE HEITKAMP~~  
14550 Applegate Rd. Jacksonville  
of 2929 S. Pacific Highway, Medford, 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 ~~4.4~~ 0.3 acres

under Permit No. 28212 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 July 24, 1962

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

0.005

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the ~~#1-SE 1/4 SW 1/4~~, Section 19; ~~#2-SW 1/4 NW 1/4~~, Section 19,  
T. 40 S., R. 3 W., W. M.; ~~Diversion points located: #1-50 feet North and 1190~~  
~~feet East from SW Corner, Section 19; #2-1940 feet South and 1160 feet West \*~~

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; provided further that the right to  
use of water is limited to the period when the flow of the Rogue River is more  
than 735 cubic feet per second at its mouth,

\* 1040 ft N. of 1665 E.  
from Sec. 6 or Sec. 19

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:

~~0.5 acre SE 1/4 NW 1/4~~  
~~0.1 acre SW 1/4 SW 1/4~~  
0.3 acres SE 1/4 SW 1/4  
Section 19

~~0.1 acre NE 1/4 NW 1/4~~  
~~1.4 acres NW 1/4 NW 1/4~~  
Section 30

T. 40 S., R. 3 W., W. M.

This certificate is issued to confirm a change in PT. of Div. approved by an order  
of the State Engineer entered Jan. 29, 1973, and <sup>Together with the cert. recorded at page</sup> 38441 vol 31  
right heretofore issued to Mrs. Gertrude Heitkamp, and recorded at page 38441, Volume  
30, State Record of Water Right Certificates.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38441



BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF LOUIS J. AND GLADYS M. FAGGIONE )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
APPLEGATE RIVER )  
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ORDER APPROVING  
TRANSFER NO. 2722

On October 6, 1972, Louis J. and Gladys M. Faggione 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 Mrs. Gertrude Heitkamp and recorded at page 38441, Volume 30, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.06 cubic foot per second of water from Applegate River for the irrigation of, among other lands, 0.3 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 19, Township 40 South, Range 3 West, W.M., with a date of priority of July 24, 1962.

These lands are irrigated from a point of diversion located 50 feet North and 1190 feet East from the SW corner of Section 19 being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, Township 40 South, Range 3 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 1040 feet North and 1665 feet East from the SW corner of Section 19 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, Township 40 South, Range 3 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in point of diversion 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 proposed change in point of diversion of water from Applegate River, to-wit:

From a point located 50 feet North and 1190 feet East from the SW corner of Section 19 being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, Township 40 South, Range 3 West, W.M.

To a point to be located 1040 feet North and 1665 feet East from the SW corner of Section 19 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, Township 40 South, Range 3 West, W.M.

for the irrigation of 0.3 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 19, Township 40 South, Range 3 West, W.M., with a date of priority of July 24, 1962, 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, 1973.

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 0.005 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 the certificate of water right heretofore issued to Mrs. Gertrude Heitkamp and recorded at page 38441, Volume 30, 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 Louis J. and Gladys M. Paggione confirming the change in point of diversion.

Dated at Salem, Oregon, this 29th day of January, 1973.

CHRIS L. WHEELER  
State Engineer