

2723

2723 Roy H. Wiskrock
Lewis B. Wiskrock
CANE Junction Ditch

STATUS OF APPLICATION

Change in Place of Use
 Date filed Oct. 11, 1972
 Date of hearing _____
 Place of hearing _____
 Date of order 4-24-78 Vol. 30, page 535
Loss of RT 7-71-80 33 434
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued JUN 9 1978 38, page 45765

to survey 5/78

DESCRIPTION OF WATER RIGHT

Name of stream Choke Cherry Gulch & Springs
 Trib. of West Fork Illinois River County of Josephine
 Use Irrigation
 Quantity of water _____ No. of acres 2 13
 Name of ditch Woodcock Ditch
 Date of priority 1855
 In name of Glenn A. & Verna Prottzman
Illinois River Adjudication, Vol. 13, page 119
 App. No. _____ Per. No. _____ Cert. No. 38653
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>10-11-72</u>	<u>20.00</u>	<u>31057</u>
TOTAL . . .	<u>3.00</u> Cert. Fee	<u>31069</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

FINIS

See also SpDr Vol. 22, p. 54 (T-2596)

TO BE ENTERED WHERE CHECKED

INDEX CARDS:

	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg SPA</u>	_____
<input checked="" type="checkbox"/> Stream	<u>lg SPA</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	_____	_____
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	_____
<input checked="" type="checkbox"/> Twp. & Rge.	<u>lg SPA</u>	<u>lg</u>
<input checked="" type="checkbox"/> Decree-vault	<u>lg SPA</u>	_____
<input checked="" type="checkbox"/> Decree-safes	<u>lg SPA</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>lg SPA</u>	_____
<input type="checkbox"/> Per. Folder	_____	_____
<input type="checkbox"/> Chainindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input type="checkbox"/> Power Claim	_____	_____
<input checked="" type="checkbox"/> Abstracts	<u>lg</u>	_____

Loss of
Right

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF TRANSFER)
APPLICATION NO. 2723 IN THE)
NAME OF ROY A. AND LOIS B.)
WISBROCK)

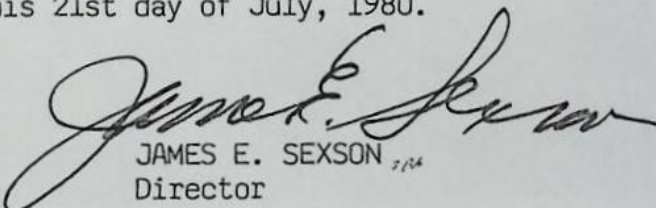
LOSS OF RIGHT

Transfer application No. 2723, in the names of Roy A. and Lois B. Wisbrock, proposed a change in place of use of water from Choke Cherry Gulch and springs, under a certain right with a priority date of 1855, to irrigate a certain 2.13 acres in Lot 1 (NE 1/4 SE 1/4) of Section 31, Township 39 South, Range 8 West, W.M.

The order of the Water Resources Director, entered April 24, 1978, approving transfer application No. 2723, provided that the proposed change in place of use be completed by October 1, 1979.

The applicant has failed to make proof to the satisfaction of the Water Resources Director that the proposed change was accomplished within the provisions of the order; therefore, the subject water right was lost.

Dated at Salem, Oregon this 21st day of July, 1980.


JAMES E. SEXSON
Director

STATE OF OREGON, }
County of Marion. } ss.

I, James E. Sexson, Water Resources Director of the State of Oregon,
do hereby certify that the foregoing copy of order entered July 21, 1980 and recorded at
page 434, Volume 33, Special Order Record of the Water Resources Department
has been compared with the original and that it is a correct transcript therefrom and the whole of
such original special order as the same appears
..... of record in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of
..... July, 19 80

.....
Director
By

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That GLENN A. and VERNA PROTTSMAN

of 801 Westside Road, Cave Junction, State of Oregon, has a right
to the use of the waters of Choke Cherry Gulch and springs

a tributary of West Fork Illinois River for the purpose of
irrigation of ~~3.3~~ acres

1.17 and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Josephine County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 13, at page 70; that the priority of the right thereby
confirmed dates from 1855;

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 one cubic foot per
second for each 50.0 acres of land irrigated during the irrigation season from
April 1 to November 1 of each year.

The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 39 S., R. 8 W., W.M.
765' N. and 950' W. from SE corner of Section 30.

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

1.17 ~~3.3~~ acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Turner DLC 39
Section 31
Township 39 South, Range 8 West, W.M.

T-2723

2.13

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 38653, Volume 30, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on April 24, 1978, approving transfer application No. 2723.

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 November 3, 1972.

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38653

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROY A. & LOIS B. WISBROCK FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER)

ORDER APPROVING
TRANSFER NO. 2723

On October 11, 1972, an application was filed in the office of the Water Resources Director by Roy A. and Lois B. Wisbrock for approval of a change in place of use from Choke Cherry Gulch and springs, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 38653, Volume 30, State Record of Water Right Certificates, in the name of Glenn A. and Verna Prottsman, describes a right which includes the use of water from Choke Cherry Gulch and springs for irrigation of a certain 2.13 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Turner D.L.C. No. 39, of Section 31, Township 39 South, Range 8 West, W.M., with a date of priority of 1855.

Water for the said right is diverted, through the Woodcock Ditch, from a point located 765 feet North and 950 feet West from the Southeast Corner of Section 30, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 39 South, Range 8 West, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use therefrom, without loss of priority, and to irrigate in lieu thereof a certain 2.13 acres in Lot 1 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 31, Township 39 South, Range 8 West, W.M.

Mr. Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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

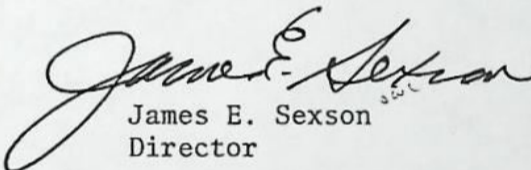
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use as described herein, without loss of priority, is approved.

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 certificate of water right heretofore

issued to Glenn A. and Verna Prottzman and recorded at page 38653, Volume 30, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; 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, a confirming certificate of water right shall be issued to the applicants herein.

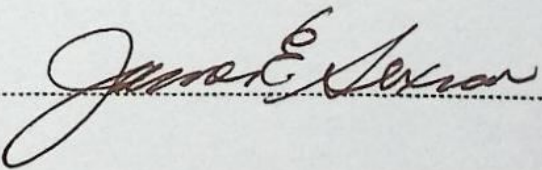
Dated at Salem, Oregon, this 24th day of April, 1978.


James E. Sexson
Director

STATE OF OREGON, }
County of Marion. } ss.

I, James E. Sexson, Water Resources Director of the State of Oregon,
do hereby certify that the foregoing copy of order entered April 24, 1978, and recorded
at page 535, Volume 30, Special Order Record of the Water Resources Department
has been compared with the original and that it is a correct transcript therefrom and the whole of
such original special order as the same appears
of record in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of
April, 19 78.


Director
By _____

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

Roy A. & Lois B. Wisbrock

IN THE MATTER OF THE APPLICATION)
OF ~~GLENN PROTTSMAN~~ FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM CHOKE CHERRY GULCH AND)
SPRINGS)

ORDER APPROVING
TRANSFER NO. ~~2596~~

2723

Oct. 11, 1972, Roy A. & Lois B. Wisbrock

On ~~May 15~~, 1972, ~~Glenn Prottsman~~ filed an application in the office of the State Engineer for the approval of a change in place of use of water from Choke Cherry Gulch and Springs, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Glenn A. and Verna Prottsman, and recorded at page ³⁸⁶⁵³~~35807~~, Volume ³⁰~~27~~, State Record of Water Right Certificates, confirms a right to the use of the waters of West Fork Illinois River, for the irrigation of, among other lands, ^{2.13}~~1.1~~ acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 39 South, Range 8 West, W.M., with a date of priority of 1855.

The applicant herein, owner of the lands above described, proposes to transfer the water right from ^{2.13}~~1.1~~ acres on the east side of West side Road in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 39 South, Range 8 West, W.M., to ^{2.13}~~1.1~~ acres on the west side of West side Road in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 39 South, Range 8 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a statement to the effect that the proposed change in place of use 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 of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to ^{2.13}~~1.1~~ acres on the east side of West side Road in the NE¼ SE¼, Section 31, Township 39 South, Range 8 West, W.M., with a date of priority of 1855, be severed therefrom and simultaneously and without loss of priority transferred to ^{2.13}~~1.1~~ acres on the west side of West side Road in the NE¼ SE¼, Section 31, Township 39 South, Range 8 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

It is FURTHER ORDERED that certificate of water right heretofore issued to Glenn A. and Verna Protteman and recorded at page ³⁸⁶⁵³~~35807~~, Volume ³⁰~~27~~, 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 application of water to beneficial use, a certificate of water right shall be issued to ^{Roy A. & Lois B. Wisbrock}~~Carl Jacobson~~ confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this ~~6th~~ day of ~~June~~, 1972.

/s/

CHRIS L. WHEELER
State Engineer