

2819

## STATUS OF APPLICATION

Change in Point of Diversion  
 Date filed MAY 23, 1973  
 Date of hearing 1-29-74  
 Place of hearing Arants Pass  
 Date of order 2-15-74 Vol. 24, page 115  
 Date for application of water 10-1-75  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued SEP 13 1979 Vol. 42, page 48533

## REMARKS

## DESCRIPTION OF WATER RIGHT

Name of stream Sucker Creek  
 Trib. of \_\_\_\_\_ County of Josephine  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 25  
 Name of ditch Briggs-Tannery ditch  
 Date of priority 1857  
 In name of Fred W. & Florence Plueger  
Sucker Creek Adjudication, Vol. 16, page 513  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 30546  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>5-23-73</u>	<u>25.00</u>	<u>33967</u>
<u>11-13-73</u>	<u>40.00 P.O.N.</u>	<u>37405</u>
TOTAL . . .	<u>\$150</u>	
<u>2-6-74</u>	Cert. Fee	<u>from P.O.N.</u>

## FEES REFUNDED

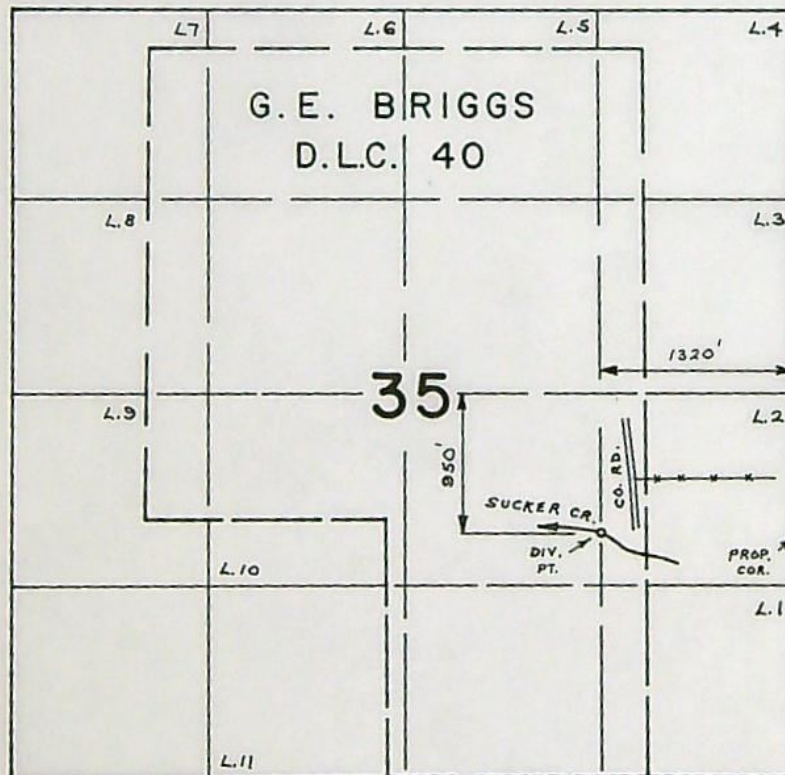
Date	Amount	Check No.
<u>2-6-74</u>	<u>*8.71 P.O.N.</u>	<u>5638</u>

INDEX CARDS: Entered Checked

<input checked="" type="checkbox"/>	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-vault	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-sure	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Per. Folder	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Chainindex	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Power Claims	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Abstracts	<input type="checkbox"/>	<input type="checkbox"/>



T. 39 S., R. 8 W., W. M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2819

Application No. .... Permit No. ....

IN NAME OF

CECIL BRUNER

Surveyed AUG. 3 1978, by B. SUND

D.H.M.

P.T.S. - 1978-14-C



BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION }  
OF CECIL BRUNER FOR THE APPROVAL }  
OF A CHANGE IN POINT OF DIVERSION }  
OF WATER FROM SUCKER CREEK }  
-----

ORDER APPROVING  
TRANSFER NO. 2819

On May 23, 1973, Cecil Bruner filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Sucker Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered October 22, 1962, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Sucker Creek and its Tributaries, a water right was established in the name of Fred W. and Florence Flueger for the use of the waters of Sucker Creek for the irrigation of 2.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 35, Township 39 South, Range 8 West, W.M., with a date of priority of 1857, as evidenced by certificate of water right recorded at page 30546, Volume 22, State Record of Water Right Certificates. These lands are irrigated by means of the Briggs-Tannery ditch from a point of diversion located 2650 feet South and 100 feet East from the Northwest corner of Section 31, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 31, Township 39 South, Range 7 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 980 feet South and 1210 feet West from the East  $\frac{1}{4}$  corner of Section 35, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 35, Township 39 South, Range 8 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 January 29, 1974 at 9:30 a.m. The notice was published in the Illinois Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of December 6, 13 and 20, 1973. 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 Sucker Creek, to wit:

From a point located 2650 feet South and 100 feet East from the Northwest corner of Section 31, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 31, Township 39 South, Range 7 West, W.M.

To a point to be located 980 feet South and 1210 feet West from the East  $\frac{1}{4}$  corner of Section 35, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, Township 39 South, Range 8 West, W.M.

for the irrigation of 2.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 35, Township 39 South, Range 8 West, W.M., with a date of priority of 1857, 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 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 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 Fred W. and Florence Plueger and recorded at page 30546, Volume 22, 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 Cecil Bruner confirming the change in point of diversion.

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

/s/ CHRIS L. WHEELER  
State Engineer



## STATE OF OREGON

COUNTY OF JOSEPHINE

## CERTIFICATE OF WATER RIGHT

*pay 50¢*

*JS*

This Is to Certify, That ~~Fred W. Plueger and Florence Plueger~~ <sup>Cecil Bruner</sup>  
 of ~~Kerby~~ <sup>PO Box 345</sup> Cave Junction, State of Oregon 97523, has a right to the use of  
 the waters of Sucker Creek, tributary of Illinois River  
 for the purpose of irrigation of 2.5 acres

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 1, at page 252; that the priority of the right thereby  
 confirmed dates from 1857

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 0.05 cubic foot per second  
 if available at the original point of diversion; NW 1/4 Sec 31 T 39 S R 7 W  
 W.M., 2650'S & 100'E from the NW cor Sec 31

A description of the lands irrigated under such right, and to which the water is appurtenant  
 (or, if for other purposes, the place where such water is put to beneficial use), is as follows:  
 2.5 acres in the NE 1/4 w/in G.E. Briggs DLC 40  
 Section 35  
 T. 39 S., R. 8 W., W.M.

being within the tract of land described as follows:

Beginning at a point 20 rods North of the Southwest corner of the  
 Northeast Quarter of the Southeast Quarter of Section 35, Township 39  
 South, Range 8 West of the Willamette Meridian, and running thence East  
 270 feet to the West line of the Holland-Bridgeview Road as now located;  
 thence Northerly 443 feet along the West line of said Road; thence North-  
 westerly along the West line of said Road to the point where the West  
 line of said Road intersects the West line of said Northeast Quarter of  
 the Southeast Quarter of said Section 35; thence South 809 feet to the point  
 of beginning, Josephine County, Oregon. Less and excepting any portion  
 lying within roads.

Note: This Certificate is issued to correct and supersede that certain  
 water right certificate heretofore issued to William M. Bunch and recorded  
 in State Record of Water Right Certificates, Volume 7, page 7126, so as  
 to correctly describe that portion of said right presently owned by Fred  
 Bruner, as decreed by Decree of the Circuit

This certificate is issued to confirm a change in point of diversion  
 approved by an order of the WRD entered Feb 15, 1974 and supersedes  
 certificate of water right recorded at page 30546 Vol. 22 SRWRC.

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

WITNESS the signature of the State Engineer, affixed

this 17th day of January, 1963

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 22, page 30546

C-48533

P00: NESE w/in G.E. Briggs DLC 40 Sec 35 T 39 S R 8 W W.M.  
 950'S & 1320'W from the E 1/4 cor Sec 35



RECEIVED

FEB 1 1974

STATE ENGINEER  
SALEM, OREGON

# Affidavit of Publication

## PUBLIC NOTICE

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

Notice is given hereby that Cecil Bruner has filed an application for the approval of a change in point of diversion of water from Sucker Creek.

In the Sucker Creek Adjudication proceedings a water right was established in the name of Fred W. and Florence Plueger for the use of the waters of Sucker Creek for the irrigation of 2.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 35, Township 39 South, Range 8 West, W.M., with a date of priority of 1837.

The water is conveyed to these lands by means of the Briggs-Tannery Ditch from a point of diversion located 2650 feet South and 100 feet East from the NW corner of Section 31, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 31, Township 39 South, Range 7 West, W.M.

The applicant herein, owner of

STATE OF OREGON,  
County of Josephine

ss.

I, Robert L. Grant, being first duly sworn, depose and say I am the forman of the printers of the Illinons Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined in Section 58, Oregon Laws, that notice 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 weekly issues on the following dates:  
Dec. 6, 13, 20, 1973

Robert L. Grant

Subscribed and sworn to before me this 30 day  
of Jan, 1974

Walter E. McLean  
Notary Public for Oregon

(My Commission expires May 7, 1974).

Christmas season.  
try by cutting back on the  
as lighting you do. We wa  
merry and bright and we  
s lights play a traditional  
ngs. But this Christmas,  
ng for



PUBLIC NOTICE

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

Notice is given hereby that Cecil Bruner has filed an application for the approval of a change in point of diversion of water from Sucker Creek.

In the Sucker Creek Adjudication proceedings a water right was established in the name of Fred W. and Florence Plugger for the use of the waters of Sucker Creek for the irrigation of, 2.5 acres in NE¼ SE¼, Section 35, Township 39 South, Range 8 West, W.M., with a date of priority of 1857.

The water is conveyed to these lands by means of the Briggs-Tannery Ditch from a point of diversion located 2650 feet South and 100 feet East from the NW corner of Section 31, being within the NW¼ SW¼ of Section 31, Township 39 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion 980 feet South and 1210 feet West from the East ¼ corner of Section 35, being within the NE¼ SE¼ of Section 35, Township 39 South, Range 8 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on January 29, 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 Cecil Bruner, P. O. Box 345, Cave Junction, Oregon, 97523, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

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

CHRIS L. WHEELER  
State Engineer

Publish: Dec. 6, 13, 20, 1973

RECEIVED

FEB 1 1974

STATE ENGINEER  
SALEM, OREGON

Affidavit of Publication

STATE OF OREGON,  
County of Josephine

} ss.

I, Robert L. Grant, being first duly sworn, depose and say I am the forman of the printers of the Illinons Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined in Section 58, Oregon Laws, that notice 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 weekly issues on the following dates: Dec. 6, 13, 20, 1973

Robert L. Grant

Subscribed and sworn to before me this 30 day of Jan, 1974  
Walter E. McLean  
Notary Public for Oregon

(My Commission expires May 7, 1974).