

2834 *Medin. Ore. 97538*

2834

DESCRIPTION OF WATER RIGHT

Certificate issued APR 21 1976 Vol. 34, page 42

AUG 24 1978

Vol. 34, page 42927

AUG 24 1978

38

42927

46273

Notation made on record by

FEES PAID

Date	Amount	Receipt No.
6-13-73	25.00	34660
5-23-74	40.00 P.O.N.	From Trans #3009
TOTAL . . .		
6-27-74	3 ⁰⁰ / ₁₀₀ Cert. Fee	From P.O.N.

FEES REFUNDED

Date	Amount	Check No.
6-27-74	\$ 2.17 P.O.N.	5860

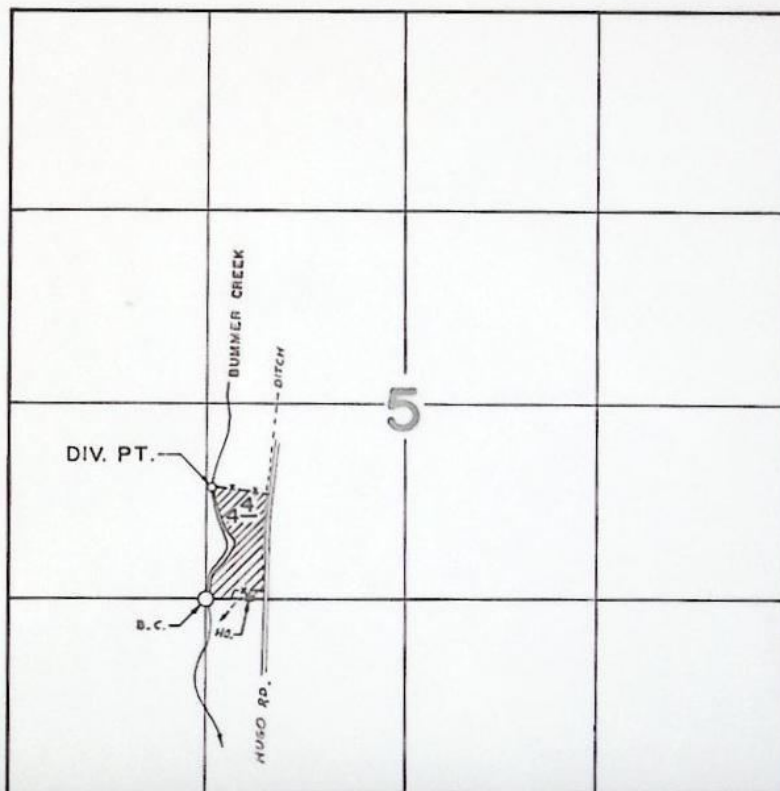
REMARKS

chloes

TO BE ENTERED WHEN CHECKED	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 type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	CHECKED TO RECORDS:		
<input checked="" type="checkbox"/>	Top. & 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-safe	<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"/>	Chaindex	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Abstracts	<input type="checkbox"/>	<input type="checkbox"/>

7th

T. 35 S., R. 6 W., W.M.



DIV. PT. LOC.: 740' N. & 50' E. FROM S.W. COR. OF N.E. 1/4 S.W. 1/4 SEC. 5

FINAL PROOF SURVEY
UNDER

Transfer No. 2834
Application No. _____ Permit No. _____
IN NAME OF

ROBERT E. & ALICE J. SARIES

Surveyed NOV. 16 1977, by B. SUND

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MERLE GILBERT and F. BURTON,

of Merlin, State of Oregon, has a right
to the use of the waters of Bummer Gulcha tributary of Quartz Creek 4.0 for the purpose of
irrigation of ~~3.4~~ acresand that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Jackson County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 16, at page 523; that the priority of the right thereby
confirmed dates from February, 1907;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 ~~0.12~~ cubic foot per
second. 0.06The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, T. 35 S., R. 6 W., W.M.A description of the place of use under the right, and to which such right is appurtenant, is as
follows:4.0 ~~3.4~~ acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 5,
T. 35 S., R. 6 W., W.M.

An order of the State Engineer entered August 7 1974, approved a change
in point of diversion for the irrigation of 4.4 acres. This certificate is
issued to confirm the remaining right, ^{not involved in the change} and supersedes the certificate heretofore
issued to Merle Gilbert & F. Burton ~~and~~ recorded at page 32996, State Record of
Water Right Certificates.

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 January 5 ~~1966~~CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 32996

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Robert E and Alice J. Savies
~~MERLE GILBERT and F. BURTON,~~
 3420 Hugo Road

of Merlin

, State of Oregon ⁹⁷⁵³², has a rightto the use of the waters of Bummer Gulch

a tributary of Quartz Creek
 irrigation of ~~8.4 acres~~ 4.4 acres

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Jackson County, and the said decree entered of record at Salem, in the Order Record of
 the STATE ENGINEER, in Volume 16, at page 523; that the priority of the right thereby
 confirmed dates from February, 1907;

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 0.12 cubic foot per
second. 0.06

The point of diversion is located in the NE 1/4 SW 1/4
SE 1/4 NW 1/4, Section 5, T. 35 S., R. 6 W., W.M.

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

4.4
8.4 acres in NE 1/4 SW 1/4
Section 5,
T. 35 S., R. 6 W., W.M.

Ch. Pt. of Div. for 4.4 ac
 Sp. Or. Vol. 25 p 68 Tr. 2834

This certificate is issued to confirm a change in point of diversion approved
 by an order of the WRD entered Aug 7, 1974 and together with certificate of water
 right recorded on Page 42927, Volume 34, SRWRC supersedes certificate
 of water right recorded on Page 32996, Volume 25, SRWRC.

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

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 32996

LEGAL NOTICE

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

Notice is given hereby that Robert E. and Alice J. Saries have filed an application for the approval of a change in point of diversion of water from Bummer Creek.

In the Rogue River Adjudication proceedings a water right was established in the name of Merle Gilbert and F. Burton for the use of the waters of Bummer Creek for irrigation of, among other lands, 4.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 35 S., R. 6 W., W.M., with a date of priority of February 1907.

These lands are irrigated from a point of diversion located 900 ft. N. and 380 ft. W. from the center corner of Sec. 5, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 35 S., R. 6 W., W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 600 ft. S. and 1250 ft. W. from the center corner of Sec. 5, being within the NE $\frac{1}{4}$ SW $\frac{1}{2}$, Sec. 5, T. 35 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, Oregon, on Aug. 6, 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 Robert E. and Alice J. Saries, Merlin, Oregon, 97532, 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.

Dated at Salem, Oregon this 4th day of June, 1974.

CHRIS L. WHEELER
State Engineer

No. 92 — Tues., June 11, 18 and 25, 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

....., 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 June 11, 18, and 25, 1974

Charles J. Moore

Subscribed and sworn to before me this 25th day of June, 1974

Kathleen Zahner
Notary Public of Oregon.

My commission expires 4th day of February, 1976

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION
OF ROBERT E. & ALICE J. SARIES FOR
THE APPROVAL OF A CHANGE IN POINT
OF DIVERSION OF WATER FROM BUMMER
CREEK

ORDER APPROVING
TRANSFER NO. 2834

On June 13, 1973, Robert E. and Alice J. Saries filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Bummer Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered May 19, 1964, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of Merle Gilbert and F. Burton for the use of the waters of Bummer Creek for the irrigation of, among other lands, 4.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 35 South, Range 6 West, W.M., with a date of priority of February, 1907, as evidenced by certificate of water right recorded at page 32996, Volume 25, State Record of Water Right Certificates. These lands are irrigated by means of the Bummer Gulch Ditch from a point of diversion located 900 feet North and 380 feet West from the center of Section 5, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 35 South, Range 6 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 600 feet South and 1250 feet West from the center of Section 5, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 35 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 August 6, 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 June 11, 18 and 25, 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 Bummer Creek, to wit:

From a point located 900 feet North and 380 feet West from the center of Section 5, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 35 South, Range 6 West, W.M.

To a point to be located 600 feet South and 1250 feet West from the center of Section 5, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 35 South, Range 6 West, W.M.

for the irrigation of 4.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 35 South, Range 6 West, W.M., with a date of priority of February 1907, 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 0.06 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 head-gates 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 Merle Gilbert and F. Burton and recorded at page 32996, Volume 25, 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 Robert E. and Alice J. Saries confirming the change in point of diversion.

Dated at Salem, Oregon, this 7th day of August, 1974.

/s/ CHRIS L. WHEELER
State Engineer