

2918 James C. Luce  
180 Merle Drive  
Ashland, Ore. 97520

2918

STATUS OF APPLICATION

Change in Point of Diversion  
Date filed Nov. 9, 1973  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 2-8-74 Vol. 24, page 104-6  
Date for application of water 10-1-74  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued MAY 24 1974 Vol. 32, page 40375

12-29  
NOV 23 1976 Vol. 36, page 43983

DESCRIPTION OF WATER RIGHT

Name of stream Rogue River  
Trib. of \_\_\_\_\_ County of Jackson  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 13<sup>2</sup>  
Name of ditch \_\_\_\_\_  
Date of priority Sept. 30, 1922  
In name of James C. Luce  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 8665 Per. No. 5649 Cert. No. 31335  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>11-9-73</u>	<u>30.00</u>	<u>37367</u>
TOTAL . . .		
<u>11-5-76</u>	<u>\$2 Cert. Fee</u>	<u>56744</u>

FEES REFUNDED

Date	Amount	Check No.

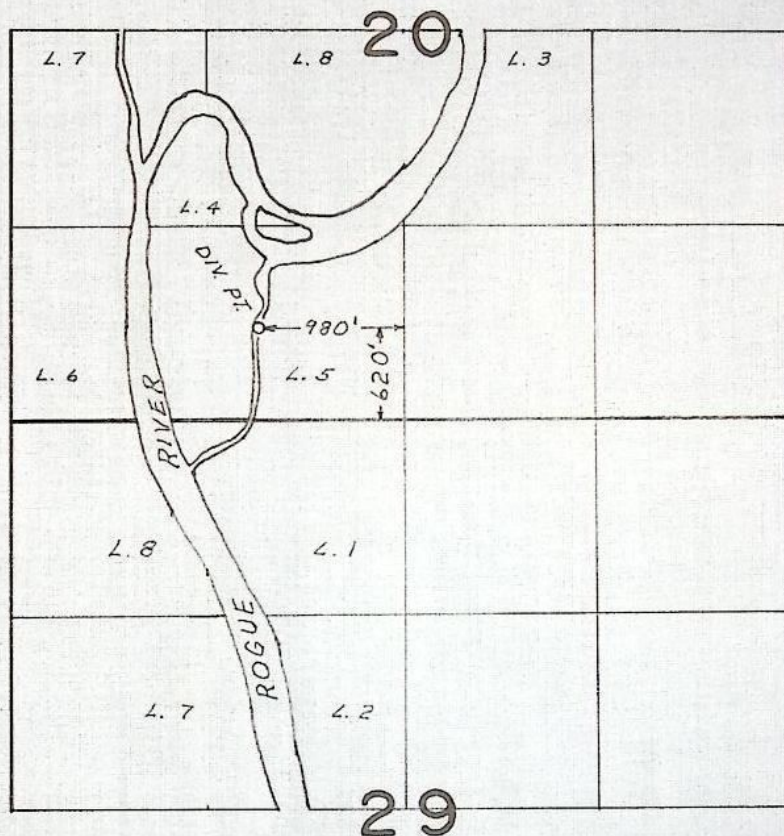
Use Cert. Fee  
from T-2971

REMARKS

8-26-76 Robert L. Fisher 13615 Agate Rd., Eagle Point, OR 97524, Volume 6 Page 34

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input type="checkbox"/>	Name	<u>WN</u>	<input type="checkbox"/>
<input type="checkbox"/>	Stream	<u>WN</u>	<input type="checkbox"/>
<input type="checkbox"/>	Pt. of Div.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Calendar	<u>WN</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	CHANGED TO RECORDS:		
<input type="checkbox"/>	Typ. & Rge.	<u>WAE</u>	<input type="checkbox"/>
<input type="checkbox"/>	Deed-vault	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Deed-sale	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Cert. of W/R	<u>WAE</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Per. folder	<u>WAE</u>	<input type="checkbox"/>
<input type="checkbox"/>	Chindex	<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"/>

T.35S. R.1W. W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2917  
2918  
2919

Application No. .... Permit No. ....  
IN NAME OF

ROBERT L. FISHER

Surveyed APR. 24 1975, by LH NUNN

## STATE OF OREGON

COUNTY OF JACKSON

Superseded by

Cert. No. ~~104~~

Spec. Or. V. 24, p. 104

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That *Robert L. Fischer*

*13615 Agate Rd.*  
 of ~~Box 336, Route 2, Eagle Point~~, State of Oregon *97524*, has made proof  
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
 Rogue River

a tributary of Pacific Ocean  
~~the~~ irrigation of ~~20~~ acres  
*13.20*

for the purpose of

under Permit No. 5649 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 September 30, 1922,

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  
 0.25 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 ~~SE 1/4 SW 1/4~~ Section 20, T. 35 S., R. 1 W., W. M.  
*E 1/4 S 1/4*  
*620' N E 980' W from the S 1/4 cor Sec 20*

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,

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:

*13.20* acres SE 1/4 SW 1/4  
 Section 20  
 T. 35 S., R. 1 W., W. M.

*Ch Pt. of Div.  
 for 13.20 ac.*

this certificate is issued to correct and supersede that certain water

This certificate is issued to confirm a change in *pt of div of water from the*  
~~Rogue River~~ *SE*  
 approved by an order of the Water Resources Director entered *Feb 8, 1974*

and supersedes certificate of water right issued to *Above*

and recorded at Page *31335*, Volume *23*, State Record of Water Right Certificates.

use herein described.

WITNESS the signature of the State Engineer, affixed

this date. *JANUARY 20 1964*

*CHRIS L. WHEAT*

State Engineer

Recorded in State Record of Water Right Certificates, Volume *23*, page *31335*

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }  
OF JAMES C. LUCE FOR THE APPROVAL }  
OF A CHANGE IN POINT OF DIVERSION }  
OF WATER FROM ROGUE RIVER }  
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ORDER APPROVING  
TRANSFER NO. 2918

On November 9, 1973, James C. Luce filed an application in the office of the State Engineer for a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to James C. Luce and recorded at page 31335, Volume 23, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of water from Rogue River for the irrigation of, among other lands, 13.2 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 20, Township 35 South, Range 1 West, W.M., with a date of priority of September 30, 1922. These lands are irrigated from a point of diversion located 1310 feet North and 20 feet West from the South  $\frac{1}{4}$  corner of Section 20, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 35 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation through a pipeline from a point located 600 feet North and 1000 feet West from the South  $\frac{1}{4}$  corner of Section 20, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 35 South, Range 1 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 point of diversion of less than one-fourth mile.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement 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 Rogue River, to wit:

From a point located 1310 feet North and 20 feet West from the South  $\frac{1}{4}$  corner of Section 20, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 35 South, Range 1 West, W.M.

To a point to be located 600 feet North and 1000 feet West from the South  $\frac{1}{4}$  corner of Section 20, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 35 South, Range 1 West, W.M.

for the irrigation of 13.2 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 20, Township 35 South, Range 1 West, W.M., with a date of priority of September 30, 1922, 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, 1974.

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 0.165 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 James C. Luce and recorded at page 31335, Volume 23, 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 James C. Luce confirming the change in point of diversion.

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

/s/ CHRIS L. WHEELER  
State Engineer

## STATE OF OREGON

Superseded by

Cert. No. \_\_\_\_\_

COUNTY OF JACKSON

Spec. Or. V. 24 p. 104

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES C. LUCE

180 Merle Drive Ashland 97520  
 of Box 336, Route 2, Eagle Point, 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  
 Rogue River

a tributary of Pacific Ocean  
 irrigation of 20 acres

for the purpose of

6.8  
 under Permit No. 5649 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 September 30, 1922,

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  
 0.25 cubic foot per second

0.085

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
 The point of diversion is located in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 20, T. 35 S., R. 1 W., W. M.

1310 ft N. & 20 ft W. from S $\frac{1}{4}$  Cor Sec. 20

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,

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:

6.8 - 20 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
 Section 20  
 T. 35 S., R. 1 W., W. M.

Ch. Pt. of Div.  
 for 13.2 ac.

An order of the State Engineer entered Feb 8 1974, approves a change  
 in Pt. of Div. for the irrigation of 13.2 acres. This certificate is  
 issued to confirm the remaining right and supersedes the certificate heretofore  
 issued to James C. Luce and recorded at page 31335, State Record  
 of Water Right Certificates.  
 use herein described.

WITNESS the signature of the State Engineer, affixed

this date. JANUARY 20 1964

CHRIS L. WHENLER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page 31335

40375