

2919 James C. Luce
180 Merle Dr.
Ashland, Ore. 97520

2919

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 107-9
Date for application of water 10-1-74
Proof mailed _____
Proof received _____
Certificate issued NOV 23 1976 Vol. 36, page 43981

DESCRIPTION OF WATER RIGHT

Name of stream Rogue River
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 301
Name of ditch _____
Date of priority June 2, 1916
In name of James C. Luce
_____ Adjudication, Vol. _____, page _____
App. No. 4941 Per. No. 3013 Cert. No. 31333
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-9-73</u>	<u>30.00</u>	<u>37366</u>
TOTAL . . .		
<u>11-5-76</u>	<u>\$2 Cert. Fee</u>	<u>56745</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

***8-26-76 Robert L. Fisher 13615 Aoate Rd. Eagle Point, OR 97524 Volume 36 Page 34

T-8775 & P.O.D. V. 50 p. 2165

W.R.I.S.

Assembled 11/8/84 by ccn

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHEN CHECKED	INDEX CARDS:	Entered	Checked
	_____ Name	<u>WH</u>	_____
_____ Stream	<u>WH</u>	_____	_____
_____ Pt. of Div.	_____	_____	_____
_____ Calendar	<u>WH</u>	_____	_____
CHECKED TO RECORDS:			
✓ _____ Twp. & Rge.	<u>WAL</u>	_____	_____
_____ Decree-vault	_____	_____	_____
_____ Decree-safe	_____	_____	_____
✓ _____ Cert. of W/R	<u>WAL</u>	_____	_____
✓ _____ Per. Folder	<u>WAL</u>	_____	_____
_____ Chaindex	_____	_____	_____
_____ Cross Ref.	_____	_____	_____
_____ Power Claim	_____	_____	_____
_____ Abstracts	_____	_____	_____

T-2919

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8775 submitted by

JOE BEITLER
1510 EAST MAIN STREET
MEDFORD, OREGON 97504.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County as evidenced by a PORTION of Certificate 43982. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at page 523. The priority is 1898.

The right allows the use of the ROGUE RIVER, a tributary of PACIFIC OCEAN, for IRRIGATION OF 11.2 ACRES, DOMESTIC AND STOCK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.28 cubic foot per second, if available at the authorized point of diversion: LOT 5 (SE¼ SW¼), SECTION 20, T 35 S, R 1 W, W.M., 620 FEET NORTH AND 980 FEET WEST FROM THE SOUTH ¼ CORNER OF SECTION 20, or its equivalent in case of rotation, measured at the point of diversion from the source.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 11.2 ACRES
SECTION 29

TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.

The second right to be modified, as evidenced by a PORTION of Certificate 43984, was perfected under Permit 3013 with a date of priority of JUNE 2, 1916. The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 10.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.13 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: LOT 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 20, T 35 S, R 1 W, W.M., 620 FEET NORTH AND 980 FEET WEST FROM THE SOUTH $\frac{1}{4}$ CORNER OF SECTION 20, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.5 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 9.0 ACRES
SECTION 29

TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.

The third right to be modified, as evidenced by a PORTION of Certificate 32443, was perfected under Permit 26751 with a date of priority of MAY 3, 1960. The right allows the use of A SPRING AND SIDE CHANNEL OF ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 15.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.19 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: LOT 5 (SE¼ SW¼), SECTION 20, T 35 S, R 1 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 4½ acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right to the use of water is limited to the period when the flow of the Rogue River is more than 1000 cubic feet per second (cfs) at Raygold, more than 1000 cfs immediately above Savage Rapids Dam and more than 735 cfs at its mouth.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use are located as follows:

SW¼ NE¼ 15.4 ACRES
SECTION 29

TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.

The right to use the water for the above purposes are restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the point of diversion to:

SE¼ NW¼, SECTION 29, T 35 S, R 1 W, W.M.; 860 FEET NORTH AND 770 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 29.

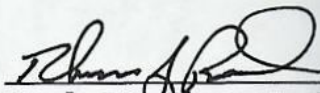
THIS CHANGE TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion under these rights.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water source as the original points of diversion.
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificates 43982, 43984, and 32443 are cancelled. New certificates will be issued to confirm the portions of the rights NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources
Director, affixed DEC 16 2002.


Paul R. Cleary, Director

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT L. FISHER
13615 AGATE ROAD
EAGLE POINT, OREGON 97524

confirms the right to use the waters of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for DOMESTIC, STOCK, AND IRRIGATION OF 55.6 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 16, at Page 523. The date of priority is 1898.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.39 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 20, T 35 S, R 1 W, W.M.; 620 FEET NORTH AND 980 FEET WEST FROM THE SOUTH $\frac{1}{4}$ CORNER OF SECTION 20.

A description of the place of use to which this right is appurtenant is as follows:

1.2 ACRES IN THAT PART OF NE $\frac{1}{4}$ SE $\frac{1}{4}$ AND
5.0 ACRES IN THAT PART OF LOT 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
LYING SOUTH OF A LINE 1,485.6 FEET NORTH
OF THE SOUTH LINE OF SECTION 20
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33.8 ACRES
SECTION 20

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 13.7 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.9 ACRES
SECTION 29

TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 43982, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 16 2002, approving Transfer Application 8775.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director,
affixed DEC 16 2002.



Paul R. Cleary, Director



Recorded in State Record of Water Right Certificates numbered 79744.

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT L. FISHER
13615 AGATE RD.
EAGLE POINT, OR 97524

confirms the right to use the waters of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 20.2 ACRES.

This right was perfected under Permit 3013. The date of priority is JUNE 2, 1916. The amount of water to which this right is entitled is limited to an amount actually beneficially used 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 source.

The point of diversion is located as follows:

LOT 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 20, T 35 S, R 1 W, W.M., 620 FEET NORTH AND 980 FEET WEST FROM THE SOUTH $\frac{1}{4}$ CORNER OF SECTION 20.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 18.5 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.7 ACRES
SECTION 29

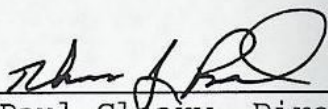
TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 43984, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 16 2002, approving Transfer Application 8775.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources
Director, affixed DEC 16 2002.


For Paul Cleary, Director



Recorded in State Record of Water Right Certificates numbered 79745.

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES C. LUCE
ROUTE 1 BOX 336
EAGLE POINT, OREGON 97524

confirms the right to use the waters of SPRING AND SIDE CHANNEL OF ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 59.7 ACRES AND DOMESTIC USE OF FOUR FAMILIES AND STOCK.

This right was perfected under Permit 26751. The date of priority is MAY 3, 1960. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.76 CUBIC FOOT PER SECOND; BEING 0.74 CFS FROM ROGUE RIVER FOR IRRIGATION, 0.01 CFS FROM SPRING FOR DOMESTIC USE AND 0.01 CFS FROM SPRING FOR STOCK USE or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, LOT 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 20,
T 35 S, R 1 W, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 the use of water is limited to the period when the flow of the Rogue River is more than 1000 cubic feet per second (cfs) at Raygold, more than 1000 cfs immediately above Savage Rapids Dam and more than 735 cfs at its mouth.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

LOT 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)	DOMESTIC THREE FAMILIES
LOT 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) 2.0 ACRES	
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.2 ACRES	ONE DOMESTIC AND STOCK
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 9.7 ACRES	

SECTION 20

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.0 ACRES	STOCK
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 26.3 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.5 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.0 ACRE	

SECTION 29

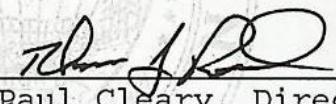
TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 32443, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 16 2002, approving Transfer Application 8775.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources
Director, affixed DEC 16 2002.


Paul Cleary, Director

Recorded in State Record of Water Right Certificates numbered 79746.

STATE OF OREGON
COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

Superseded by

Cert. No.

Spec. Or. V. 23, p. 361

Spec. Or. V. 23, p. 361

Spec. Or. V. 24, p. 107

This Is to Certify, That *Robert L. Fisher*
~~JAMES C. LUCE~~

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
irrigation of ~~40~~ acres
30.7

for the purpose of

under Permit No. 3013 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 June 2, 1916,

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
~~0.50~~ cubic foot per second

0.38

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~~ *Lot 5* Section 20, T. 35 S., R. 1 W., W. M.
620' N & 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-eighth 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:

10.7 20 acres NE 1/4 NW 1/4
20 acres SE 1/4 NW 1/4
Section 29
T. 35 S., R. 1 W., W. M.

Ch. Pt. of Div
Sp. Or. V. 23, p. 361 for 93 ac.
" " 24 p. 107 for 302 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*
SE
River approved by an order of the Water Resources Director entered *Feb 8, 1974*,
and supersedes certificate of water right issued to *James C. Luce*
and recorded at Page *31333*, Volume *23*, State Record of Water Right Certificates.

WITNESS the signature of the State Engineer,

this date. JANUARY 20 1984

CHESTER L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page *31333*

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 }

ORDER APPROVING
TRANSFER NO. 2919

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 31333, Volume 23, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.5 cubic foot per second of water from Rogue River for the irrigation of, among other lands, 20 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 10.7 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of June 2, 1916. 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 $\frac{1}{4}$, 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 $\frac{1}{4}$, 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.

MILLERS FALLS
ALL COTTON

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 $\frac{1}{4}$, 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 $\frac{1}{4}$, Section 20, Township 35 South, Range 1 West, W.M.

for the irrigation of 20 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 10.7 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of June 2, 1916, 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 0.38 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.

MILLERS FALLS
ALL COTTON

By an order entered October 24, 1973 a change in point of diversion of water for irrigation of 9.7 acres of the lands described in the certificate recorded at page 31333 was approved. The order canceled the certificate recorded at page 31333 and provided for a new certificate covering the balance of the right not involved in the order entered October 24, 1973, which lands are those involved in this proceeding.

It is FURTHER ORDERED that no certificate be issued covering the lands not involved in the change approved by the order entered October 24, 1973 and in lieu thereof, 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