

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed Sept. 19, 1972
 Date of hearing Feb. 6, 1973 - 9:30 a.m.
 Place of hearing Medford, Ore.
 Date of order Sept 5 1973 Vol. 23, page 325
 Date for application of water Oct 1 1974
 Proof mailed _____
 Proof received _____
 Certificate issued JAN 13 1977 Vol. 36, page 44079
Survey

Resurveyed 6-11-85 (Gates)

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
 Trib. of _____ County of Jackson
 Use Irrigation
 Quantity of water _____ No. of acres 10²
 Name of ditch Venable & Bowman ditch
 Date of priority 1902
 In name of J.P. Rankin
Reque River Adjudication, Vol. 4, page 23, col. 3
 App. No. _____ Per. No. _____ Cert. No. 16248
 Certificate cancelled _____
 Notation made on record by _____

ASSIGNED, See Misc. Rec., Vol. 5 Page 256

FEES PAID

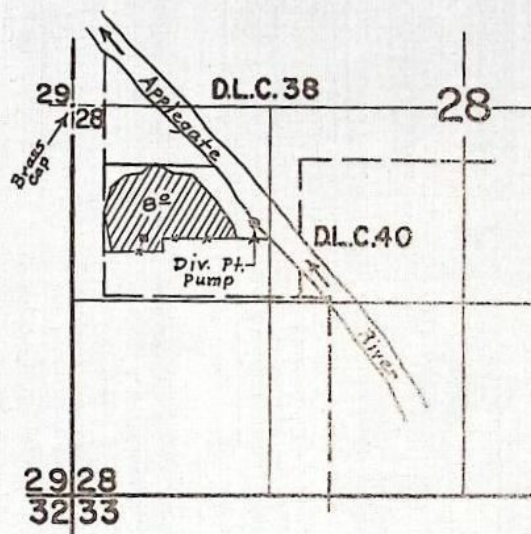
Date	Amount	Receipt No.
<u>9-19-72</u>	<u>25.00</u>	<u>30758</u>
<u>9-19-72</u>	<u>40.00 P.O.N.</u>	<u>30759</u>
TOTAL . . .	\$1.50	
<u>12-28-72</u>	<u>Cert. Fee</u>	<u>from P.O.N.</u>
<u>11-10-76</u>	<u>50¢</u>	<u>56809</u>

FEES REFUNDED

Date	Amount	Check No.
<u>12-28-72</u>	<u>\$1.22 P.O.N.</u>	<u>5072</u>

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

T.38S.R.3W.WM



Diversion Point is located 790' S. &
1235' E. from the W 1/4 Cor. Sec. 28.

FINAL PROOF SURVEY
UNDER

Transfer No. 2715

Application No. _____ Permit No. _____

IN NAME OF

Frank Gates

Surveyed **Mar. 4** 1976, by **D.C. Hendrix**

RECEIVED

JUN 14 1976

**WATER RESOURCES DEPT
SALEM, OREGON**

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICA-)
TION OF MARGARET M. ATKINSON)
FOR THE APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER)
FROM APPLIGATE RIVER)

ORDER APPROVING
TRANSFER NO. 2715

On September 19, 1972, Margaret M. Atkinson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, 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 J. P. Rankin for the use of the waters of Applegate River for the irrigation of, 10.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 38 South, Range 3 West, W.M., with a date of priority of 1902. These lands are irrigated by means of the Venable and Bowman Ditch from a point of diversion located 1300 feet South and 1700 feet East from the NW corner of Section 33, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 38 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of a pump to be located at a point of diversion 528 feet North and 1448 feet East from the NW corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 38 South, Range 3 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 Medford, Oregon, on February 6, 1973, at 9:30 a.m. The notice was published in The Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of December 12, 19 and 26, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, 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 of water 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 Applegate River, to-wit:

From a point located 1300 feet South and 1700 feet East from the NW corner of Section 33, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 38 South, Range 3 West, W.M.

To a point to be located 528 feet North and 1448 feet East from the NW corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 38 South, Range 3 West, W.M.

for the irrigation of, 10.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 38 South, Range 3 West, W.M., with a date of priority of 1902, 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 0.25

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.

Margaret M. Atkinson assigned her interest in the right involved herein to Frank Gates, Jr., and the assignment is recorded at page 256, Volume 5, Miscellaneous Records of the State Engineer.

It is FURTHER ORDERED that certificate of water right heretofore issued to J. P. Rankin and recorded at page 16248, Volume 13, 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 Frank Gates, Jr., confirming the change in point of diversion.

Dated at Salem, Oregon, this 5th day of September, 1973.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. P. Rankin

of Ruch, State of Oregon, has a right to the use of
the waters of Applegate River, a tributary of Rogue River
for the purpose of irrigation of 10 acres

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 4, at page 1; that the priority of the right thereby confirmed dates from 1902;

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 0.25 cubic foot per second.

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:

10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 28,
T. 38 S., R. 3 W., W. M.

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 30 day of September, 1949.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16248

RECEIVED
DEC 28 1972

STATE ENGINEER
SALEM OREGON

Affidavit of Publication

State of Oregon, }
County of Jackson } ss.

1. Evalynne D. Smith, being first duly

sworn, depose and say that I am the _____
OWNER, EDITOR, PUBLISHER, MANAGER.

Principal Clerk

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state;

that the Notice of Filling Appl. for a Change in Pt. of Div. of Water - Atkinson

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 Dec. 12, 19, 26, 1972
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Evalynne D. Smith

Subscribed and sworn to before me this 26th day of Dec., 19 72

Alta M. Lindsey
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of October, 19 73

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

Notice is given hereby that Margaret M. Atkinson has filed an application for the approval of a change in point of diversion of water from Applegate River.

In the Rogue River Adjudication proceedings a water right was established in the name of J. P. Rankin for the use of the waters of Applegate River for the irrigation of 10.0 acres in the NW 1/4 SW 1/4, Section 28, Township 38 South, Range 3 West, W.M., with a date of priority of 1902.

The water is conveyed to these lands by means of the Venable and Bowman Ditch from a point of diversion located 1300 feet South and 1700 feet East from the NW corner of Section 33, being within the NE 1/4 NW 1/4, of Section 33, Township 38 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands by means of a pump to be located 528 feet North and 1448 feet East from the NW corner of SW 1/4 SW 1/4, Section 28, being within the NE 1/4 SW 1/4 of Section 28, Township 38 South, Range 3 West, W.M.

All persons interested are notified hereby that hearing will be held at the county courthouse at Medford, Oregon, on February 6, 1973, 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 Margaret M. Atkinson, 1222 Dunlap Road, Jacksonville, Oregon, 97530, 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 4th day of December, 1972.

CHRIS L. WHEELER
State Engineer