

2802 Wayne H. & Beatrice C. Safe
315 North Phoenix Road
Medford OR 97501

2802

STATUS OF APPLICATION

Change in Pt. of Diversion
Date filed MAY 2, 1973
Date of hearing October 2, 1973
Place of hearing Medford, Ore
Date of order Oct 24 1973 Vol. 23, page 361
Date for application of water Oct 1 1974
Proof mailed _____
Proof received _____
Certificate issued AUG 30 1978 Vol. 23, page 43573
Vol. 35 P. 43574
Vol. 35 P. 43575

DESCRIPTION OF WATER RIGHT

Name of stream Rogue River
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 22 3/4
Name of ditch Stowell ditch
Date of priority 6-2-16; 12-15-19; 3-24-42
In name of James C. Luce, George H. Stowell
_____ Adjudication, Vol. _____, page _____
App. No. 4941, 6936 Per. No. 3013, 4339 Cert. No. 31333
App. No. 19648 Per. No. 15224 Cert. No. 31334
Certificate cancelled _____
Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|----------------|---------------------|---------------|
| <u>5-2-73</u> | <u>25.00</u> | <u>33593</u> |
| <u>5-2-73</u> | <u>50.00 P.O.N.</u> | <u>33594</u> |
| <u>8-27-73</u> | <u>4.39 P.O.N.</u> | <u>36323</u> |
| TOTAL . . . | | |
| <u>8-27-73</u> | <u>6.00</u> | <u>36324</u> |
| <u>6-11-76</u> | <u>1.50</u> | <u>5-3366</u> |

FEES REFUNDED

| Date | Amount | Check No. |
|---------------|------------------------|-------------|
| <u>2-8-74</u> | <u>*1.50 Cert. Fee</u> | <u>5645</u> |

REMARKS

No remaining right - balance transfer 2919

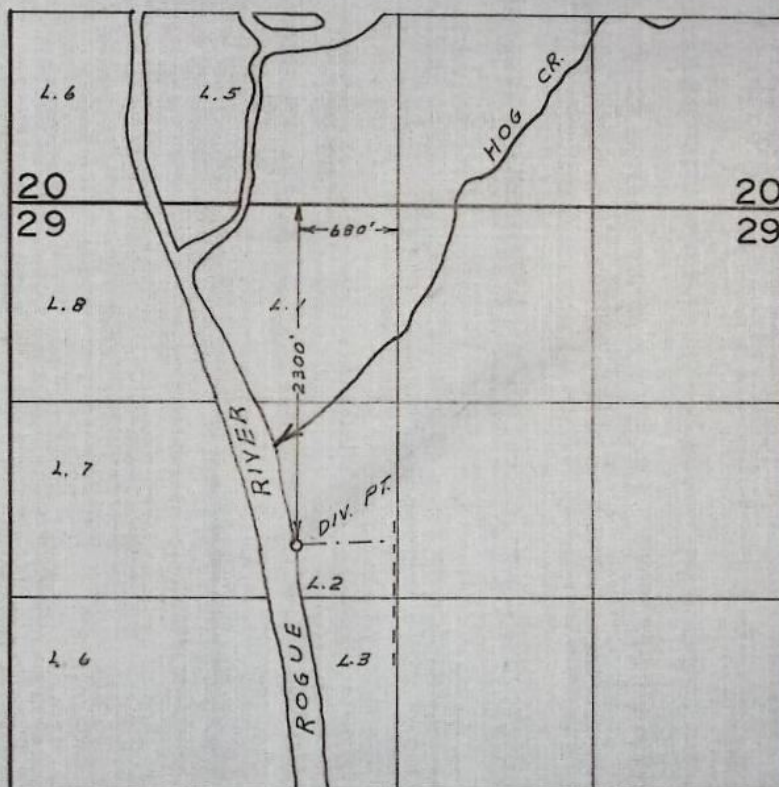
| | |
|--------------------------------------|--|
| W.R. 15 | |
| Entered <u>11/8/84</u> by <u>CLM</u> | |
| Verified _____ by _____ | |

A-4941
15
T-28021

| TO BE ENTERED WHERE CHECKED | INDEX CARDS: | |
|--|--------------|------------|
| | Entered | Checked |
| <input checked="" type="checkbox"/> Name | <u>WH</u> | <u>---</u> |
| <input checked="" type="checkbox"/> Stream | <u>WH</u> | <u>---</u> |
| <input checked="" type="checkbox"/> Pt. of Div. | <u>---</u> | <u>---</u> |
| <input checked="" type="checkbox"/> Calendar | <u>WH</u> | <u>---</u> |
| <input checked="" type="checkbox"/> Twp. & Rge. | <u>WAO</u> | <u>---</u> |
| <input checked="" type="checkbox"/> Decree-vault | <u>---</u> | <u>---</u> |
| <input checked="" type="checkbox"/> Decree-safe | <u>---</u> | <u>---</u> |
| <input checked="" type="checkbox"/> Cert. of W/R | <u>WH</u> | <u>---</u> |
| <input checked="" type="checkbox"/> Per. Folder | <u>WH</u> | <u>---</u> |
| <input checked="" type="checkbox"/> Chainindex | <u>---</u> | <u>---</u> |
| <input checked="" type="checkbox"/> Cross Ref. | <u>---</u> | <u>---</u> |
| <input checked="" type="checkbox"/> Power Claim | <u>---</u> | <u>---</u> |
| <input checked="" type="checkbox"/> Abstracts | <u>---</u> | <u>---</u> |

694

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



FINAL PROOF SURVEY
UNDER

Transfer No. 2802
Application No. _____ Permit No. _____
IN NAME OF

WAYNE H. & BERTHA O. SAFLEY

Surveyed APR. 25 1975, by LH NUNN

STATE OF OREGON

COUNTY OF JACKSON

Superseded by -

Cert. No. ~~43574~~

CERTIFICATE OF WATER RIGHT

Spec. Or. Vol. ~~361~~Spec. Or. ~~124~~ p. 107

Wayne H. & Bertha O. Safley
 This Is to Certify, That ~~JAMES C. LUCE~~

315 N. Phoenix Road Medford 97501
 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 ~~40 acres~~

7.3 acres

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

0.12 ~~0.50~~ 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 Sec 29~~, Section 29, T. 35 S., R. 1 W., W. M.

within Lot 2 (SE 1/4) Section 29
2300' S. E. 680' W. from the N 1/4 cor Sec 29

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:

9.3 ~~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.

21.21 acres for 93 ac.
51.21 acres for 301 ac.
" " 24.21 ac for 301 ac.

This certificate is issued to confirm a change in *point of diversion* approved by an
 order of the State Engineer entered *Oct 24, 73* and along with transfer *2919*
 water right heretofore 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, affixed

this date.

JANUARY 10, 1974

CHAS L. WHEELER

State Engineer

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

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES C. LUCE

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 10 acres

for the purpose of

under Permit No. 4339 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 December 15, 1919,

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 0.13 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 $\frac{1}{4}$ 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, 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:

~~10~~ acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ All
Section 29
T. 35 S., R. 1 W., W. M.

This certificate is issued to correct and supersede that certain water right certificate issued to Geo. H. Stowell and recorded at page 3434, Volume 4, State Record of Water Right Certificates, so as to correctly locate the point of diversion as provided by an order of the State Engineer entered December 20, 1963.

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 20 1964

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page 31334

STATE OF OREGON
COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That GEORGE H. STOWELL

of 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 _____ for the purpose of

Irrigation under Permit No. 15221 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 March 24, 1942

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 0.0362 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 $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 35 South, Range 1 West, W. M.

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, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed $4\frac{1}{8}$ acre feet per acre for each acre irrigated during the irrigation season from April 2 to October 31 of each year,

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:

3.0 acres in Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
Section 29,
T. 35 S., R. 1 W., W. M.

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 15th day of July, 1943

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 14548

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF WAYNE H. AND BERTHA O. SAFLEY
FOR THE APPROVAL OF A CHANGE IN
POINT OF DIVERSION OF WATER FROM
ROGUE RIVER

ORDER APPROVING
TRANSFER NO. 2802

On May 2, 1973, Wayne H. and Bertha O. Safley filed an application in the office of the State Engineer for the approval of 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 0.50 cubic feet per second of water from Rogue River for the irrigation of, among other lands, 9.3 acres in 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.

Certificate of water right issued to James C. Luce and recorded at page 31334, Volume 23, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.13 cubic feet per second of water from Rogue River for the irrigation of, 10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of December 15, 1919.

Certificate of water right issued to George H. Stowell and recorded at page 14548, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.0362 cubic feet per second of water from Rogue River for the irrigation of, 3.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of March 24, 1942. These lands are irrigated by means of Stowell Ditch from a point of diversion located 1310 feet North and 20 feet West from the South $\frac{1}{2}$ 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 applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 2360 feet South and 660 feet West from the North $\frac{1}{4}$ corner of Section 29, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 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 October 2, 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 August 3, 10, and 17, 1973. 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 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 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 2360 feet South and 660 feet West from the North $\frac{1}{4}$ corner of Section 29, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 35 South, Range 1 West, W.M.

for the irrigation of 9.3 acres in 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. 10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of December 15, 1919, and 3.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 35 South, Range 1 West, W.M., with a date of priority of March 24, 1942, 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 0.2862 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 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 certificates of water right heretofore issued to James C. Luce and recorded at pages 31333 and 31334, Volume 23, State Record of Water Right Certificates, and George H. Stowell and recorded at page 14548, Volume 12, State Record of Water Right Certificates, are canceled, and in lieu thereof a new certificate be issued in the name of James C. Luce 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, certificates of water right shall be issued to Wayne H. and Bertha O. Safley confirming the change in point of diversion.

Dated at Salem, Oregon, this 24th day of October, 1973.

/s/ CHRIS L. WHEELER
State Engineer