

2890

STATUS OF APPLICATION

Change in Place of Use EPD
 Date filed June 5, 1973
 Date of hearing _____
 Place of hearing _____
 Date of order Sept. 18, 1973 Vol. 23, page 335
 Date for application of water Oct. 1, 1974
 Proof mailed **JUN 6 1985**
 Proof received _____
 Certificate issued **NOV 23 1976** Vol. 36, page 44002
DEC 31 1985 48 53633

DESCRIPTION OF WATER RIGHT

Name of stream Althouse Creek
 Trib. of _____ County of Josephine
 Use Irrigation
 Quantity of water _____ No. of acres 10⁰
 Name of ditch Morey ditch
 Date of priority 1898
 In name of F W Huggert
Althouse Creek Adjudication, Vol. 1, page 219²²⁰
 App. No. _____ Per. No. _____ Cert. No. 2935
 Certificate cancelled _____
 Notation made on record by _____

REMARKS

Shirley F. Peck & Irene V. Samson 3000 Dick George Rd. Cave Jct OR 97523

FEES PAID

Date	Amount	Receipt No.
8/23/73	97 ²⁵	36272
10-31-73	3.00	To Cert. Rec. Fee
10-31-73	54.25	To Trans #2911
TOTAL . . .		
10-31-73	3 ⁰⁰ Cert. Fee	From Rec. Fee

FEES REFUNDED

Date	Amount	Check No.

INDEX CARDS:

Entered

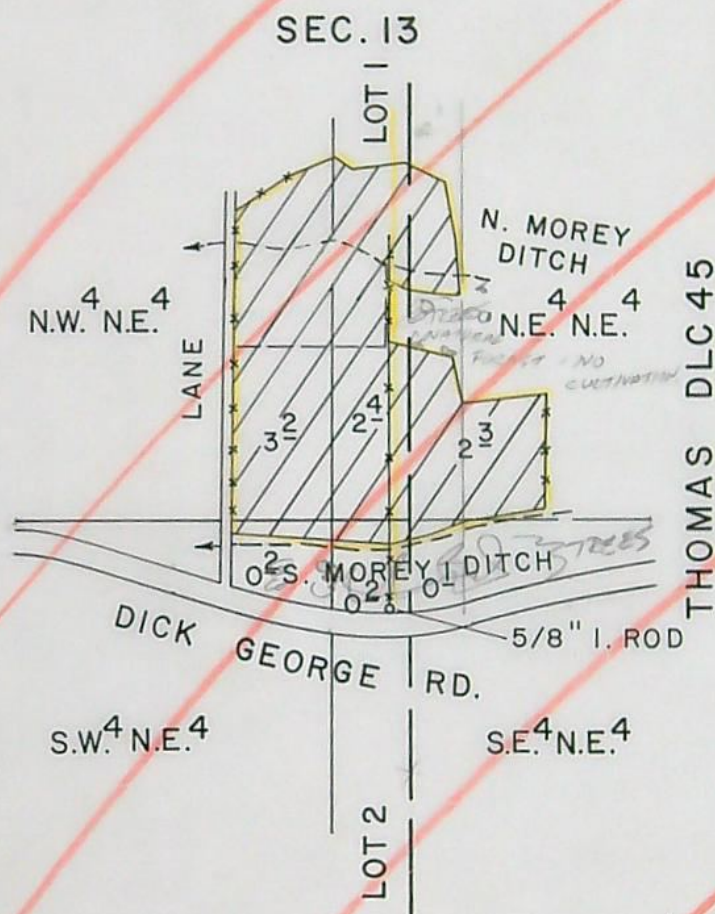
Checked

TO BE ENTERED WHERE CHECKED

✓	Name	✓	
✓	Stream	✓	
✓	Pt. of Div.		
✓	Calendar	✓	
✓	Twp. & Rge.	WAC	
✓	Decree-vault	WAC	
✓	Decree-safe	WAC	
✓	Cert. of W/R	WAC	
	Per. Folder		
	Chainindex		
	Cross Ref.		
✓	Power Claim		
	Abstracts		

CHECKED TO RECORDS:

T. 40 S., R. 8 W., W. M.



SCALE: 1" = 400 FT.

FINAL PROOF SURVEY
UNDER

Transfer No. 2890

Application No. _____ Permit No. _____

IN NAME OF

H. M., W. A. AND R. J. ESTES

Surveyed JUN. 13 1979, by B. SUND

D.H.M.

P.T.S. - 1979 - 14 - B

INCORRECT
RE-DRAFTED

4.6
84
4.2

POD, ab sec 18 T40S R7W WMM, 860' S & 2090' E from NW cor Sec 18

IRENE V. SAMSON

SHIRLEY F. PECK STATE OF OREGON
WILLIAM L. & DELORES COUNTY OF JOSEPHINE
J. STREET

Superseded by
Cert. No. 44002
Spec. Or. V. 23 375

3000 DICK GEORGE RD
CAVE JUNCTION
CERTIFICATE OF WATER RIGHT
(For Rights which have been confirmed by the Courts)

This is to Certify, That F. W. HUGGERTH
of Holland, State of Oregon 97523 has a right to the use of
the waters of Aithouse Creek, a tributary of the Illinois River

for the purpose of the irrigation of 12.9 acres of land

and that said right has been confirmed by decrees of the Circuit Court of the State of Oregon for
Josephine County, and the said decree entered of record at Salem, in the Order
Record of the State Water Board of the State of Oregon, in Volume 4, at page 427;
that the priority of the right hereby confirmed dates from 1898

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
0.5 cubic feet per second, and shall be subject to all other conditions and
limitations contained in said decree. if available at the original point

A description of the lands irrigated under such right, and to which the water hereby con-
firmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use,
is as follows: 10 acres in the Northeast quarter of Northeast quarter of Section
Thirteen and 2 acres in the Southeast quarter of Southeast quarter of Section
Twelve, Township Forty South, Range Eight and 3 acres in the Southwest quarter
of Southwest quarter of Section Seven, Township Forty South, Range Seven, All
West of Willamette Meridian, in Josephine County, Oregon.

(NOTE: This certificate is issued to correct and supersede that
certain certificate issued to Mary A. Morey on August 15, 1929, and recorded
in Vol. 4, Page 2718, State Record of Water Right Certificates; and on page 111,
Vol. 1, Water Right Certificate Record of Josephine County, wherein all the land
was described as being in T 40 S. R. 7 W., when in fact a portion is in T 40 S.,
R 8 W.)

SAMSON-PECK
2.2 acres Lot, (aa)
3.2 ba
0.2 ca
0.1 da

10.0 ac. Trk.
1/20. Vol. 23, 335

STREET
1.0 ac. 1/2 aa w/m J. THOMAS
2.1 Lot, (aa)
DL 45

ca The right to the use of the water aforesaid hereby confirmed is restricted to the lands or
place of use herein described.
da

WITNESS the seal and signature of the State
Water Board, affixed this 4th day
of March, 1921.

STATE WATER BOARD

(Seal of State Water Board)

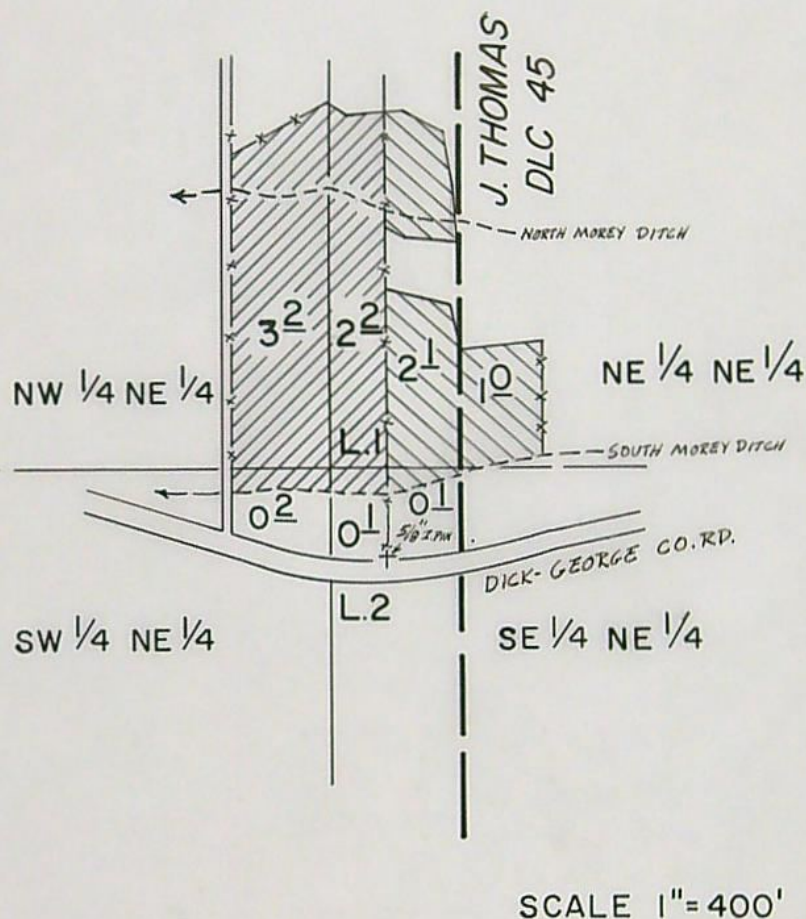
By J. H. A. GUTH
State Engineer, President

This certificate is issued to confirm a change in point of diversion approved
by an order of the WRD entered Sept 18 1973 and together with certificate
of water right recorded on Page 44002, Volume 36, SRWRC supersedes
certificate of water right recorded on Page 2935, Volume 36, SRWRC.

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


T. 40 S., R. 8 W., W.M.

SEC. 13




DIV. PT. = 860'S & 2090'E FROM NORTHWEST COR. OF SEC. 18, T. 40 S., R. 7 W.

FINAL PROOF SURVEY

 SAMSON-PECK

UNDER

 STREET

Transfer No. 2890

Application No. Permit No.
IN NAME OF

SAMSON-PECK ; STREET

Surveyed June 13, 1979, by B.R. SUND

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION
OF H. M., W. A., AND R. J. ESTES
FOR THE APPROVAL OF A CHANGE IN
PLACE OF USE AND POINT OF DIVERSION
OF WATER FROM ALTHOUSE CREEK

ORDER APPROVING
TRANSFER NO. 2890

On September 12, 1973, H. M., W. A. and R. J. Estes filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Althouse Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered May 11, 1914, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Althouse Creek and its Tributaries, a water right was established in the name of F. W. Huggerth for the use of the waters of Althouse Creek, for the irrigation of, among other lands, 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 40 South, Range 8 West, W.M., with a date of priority of 1898. These lands are irrigated by means of the Morey Ditch, the point of diversion being located 670 feet South and 1880 feet East from the Northwest corner of Section 18, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 40 South, Range 7 West, W.M.

The applicants herein, owners of the lands above described, propose to transfer the water right, without loss of priority, to 6.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.1 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 0.4 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 40 South, Range 8 West, W.M., and irrigate these lands from a point of diversion to be located 860 feet South and 2090 feet East from the NW corner of Section 18, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 40 South, Range 7 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 water of less than $\frac{1}{4}$ mile where there are no intervening diversions.

No objections having been filed and it appearing that the proposed change in place of use and 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 place of use of water is approved and the water right hereinbefore described as appurtenant to 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 40 South, Range 8 West, W.M., with a date of priority of 1898, be severed therefrom and simultaneously and without loss of priority transferred to 6.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.1 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 0.4 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 40 South, Range 8 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Althouse Creek, to-wit:

From a point located 670 feet South and 1880 feet East from the Northwest corner of Section 18, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 40 South, Range 7 West, W.M.

To a point to be located 860 feet South and 2090 feet East from the NW corner of Section 18, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 40 South, Range 7 West, W.M.

for the irrigation of 6.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.1 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 0.4 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 40 South, Range 8 West, W.M., with a date of priority of 1898, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion 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 that is available at the old point of diversion and shall be limited to 0.2 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be

carried out prior to the diverting of the water at the new point of diversion as herein confirmed.

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 F. W. Huggerth and recorded at page 2935, Volume 4, 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 application of water to beneficial use and completion of the authorized change in point of diversion, a certificate of water right shall be issued to H. M., W. A., and R. J. Estes, confirming the changes.

Dated at Salem, Oregon, this 18th day of September, 1973.

/s/

CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF JOSEPHINE

Superseded by

Cert. No. -----

Spec. Or. V. ²³ 3

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That F. W. HUGGERTH
of Holland, State of Oregon has a right to the use of
the waters of Althouse Creek, a tributary of the Illinois River

for the purpose of the irrigation of ~~16~~⁵ acres of land

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Josephine County, and the said decree entered of record at Salem, in the Order
Record of the State Water Board of the State of Oregon, in Volume 4, at page 427;
that the priority of the right hereby confirmed dates from 1898

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
0.3 cubic feet per second, and shall be subject to all other conditions and
limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby con-
firmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use,
is as follows: 10 acres in the Northeast quarter of Northeast quarter of Section
Thirteen and 2 acres in the Southeast quarter of Southeast quarter of Section
Twelve, Township Forty South, Range Eight and 3 acres in the Southwest quarter
of Southwest quarter of Section Seven, Township Forty South, Range Seven, All
West of Willamette Meridian, in Josephine County, Oregon.

(NOTE: This certificate is issued to correct and supercede that
certain certificate issued to Mary A. Morey on August 15, 1920, and recorded

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 2935, Volume 4, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on Sept 18, 1923, approving transfer application No. 2890.

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

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or
place of use herein described.

WITNESS the seal and signature of the State
Water Board, affixed this 4th day
of March, 1921.

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER
State Engineer, President

Attest:

R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 2935
44002

MAP TO ACCOMPANY APPLICATION
TO TRANSFER PLACE OF USE
AND CHANGE OF DIVERSION
UNDER CERTIFICATE 2935
ALTHOUSE CREEK ADJUDICATION
FOR

H.M. ESTES, W.A. ESTES AND R.J. ESTES
CAVE JUNCTION, JOSEPHINE COUNTY, ORE.

J. A. HOFFBUHR, REG. L.S., MEDFORD, OREGON
SCALE: 1"=400' SEPT. 10, 1973

REGISTERED
PROFESSIONAL
LAND SURVEYOR

J. A. Hoffbuhr

OREGON
NOV. 7, 1947
J. A. HOFFBUHR
222

RECEIVED
SEP 12 1973
STATE ENGINEER
SALEM, OREGON

T. 40 S., R. 8 W.

T. 40 S., R. 7 W.

N.W. 1/4 N.E. 1/4

N.E. 1/4 N.E. 1/4

10.0 AC.

3.0 AC.

6.5 AC.

0.1 AC. 0.4 AC.

S.W. 1/4 N.E. 1/4

S.E. 1/4 N.E. 1/4

S.W. 1/4 N.W. 1/4



= NEW LOCATION



= PRESENT LOCATION

T-2890