

2698

22

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed Sept. 8 1972
 Date of hearing _____
 Place of hearing _____
 Date of order 1-8-73 Vol. 22, page 392
 Date for application of water Oct. 1, 1973
 Proof mailed _____
 Proof received _____
 Certificate issued FEB 26 1974 Vol. 31, page 39836

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
 Trib. of _____ County of Jackson
 Use Irrigation
 Quantity of water _____ No. of acres 33
 Name of ditch _____
 Date of priority Oct. 8, 1931
 In' name of Paul & Eva Erdman
 _____ Adjudication, Vol. _____, page _____
 App. No. 14355 Per. No. 10382 Cert. No. 9560
 Certificate cancelled _____
 Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
9-8-72	25.00	30580
TOTAL . . .	1.50	
2-14-74	Cert. Fee	38663

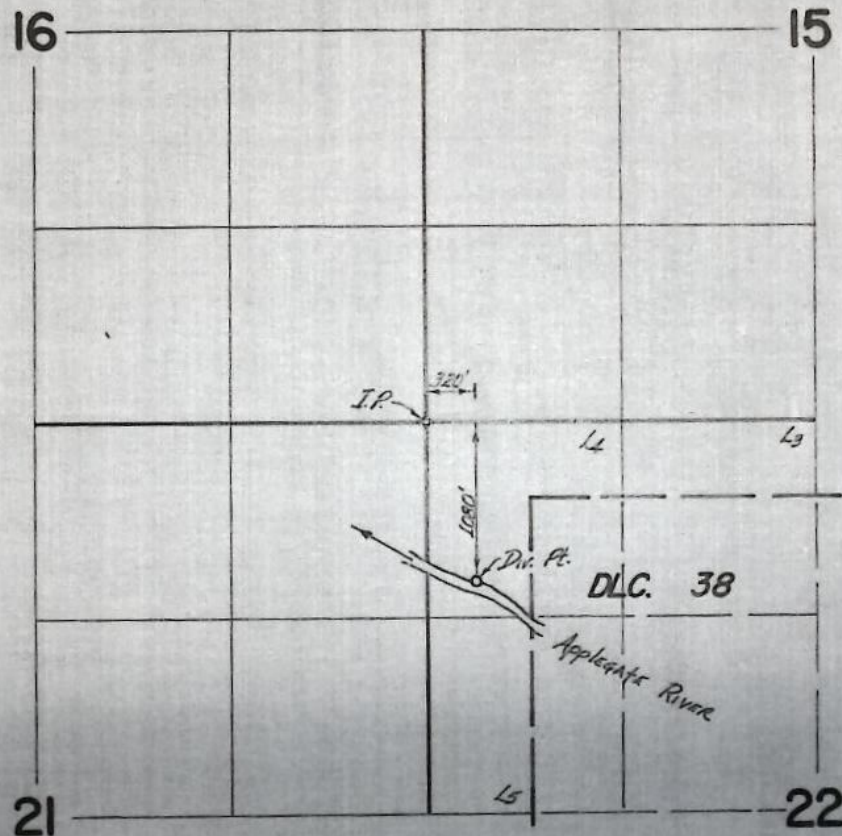
FEEES REFUNDED

Date	Amount	Check No.

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	Name	Section	<u>ST</u>	
	Pl. of Div.	Calendar	<u>ST</u>	
CHECKED TO RECORDS:				
	Twp. & Rge.	Decree-vault	<u>ST</u>	
	Decree-safe	Cert. of W/R	<u>ST</u>	
	Per. Folder	Chaindex	<u>ST</u>	
	Cross Ref.	Power Claim		
	Abstracts			

T.38S.,R.4W.,W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2698

Application No. _____ Permit No. _____
IN NAME OF

ROAR S. KJAER

Surveyed Oct. 12 1973, by P. NORBY

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ^{Roar S. Kjaer} ~~PAUL & EVA ERDMAN~~
 RT 1 Box 486
 of Applegate, State of Oregon 97530, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
 Big Applegate River
 a tributary of Rogue River for the purpose of
 Irrigation of 3.3 acres
 under Permit No. 10382 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 October 8, 1931;

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
 0.04 cubic foot per second.

1080' S. & 320' E from the NW cor. Sec 22
 The point of diversion is located in the ^{Lot 4} ~~NE 1/4 NW 1/4~~ of Section 22, Township 38S, Range 4W, W. M.
 The use hereunder for irrigation shall conform to such reasonable rotation system as may be
 ordered by the proper state officer.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such
 right is appurtenant (if for irrigation, or any other purpose), is as follows: ~~3.5 acres in the~~
~~NE 1/4 NW 1/4, Section 22, Township 38 South, Range 4 West, Willamette Meridian, in~~
~~Jackson County, Oregon.~~

Lot 4
 3.3 acres (NW 1/4 NW 1/4)
 Section 22
 T.38S. R.4W. W.M.

This certificate is issued to confirm a change in pt of Div. approved by an order
 of the State Engineer entered Jan 8, 1973, and supersedes certificate of water right
 heretofore issued to Paul & Eva Erdman and recorded at page 9560, Volume 9,
 State Record of Water Right Certificates.

The right to the use of the water for any purpose is restricted to the lands or place of use
 herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of
 any federal power license issued in connection with this right, and after not less than two years
 notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have
 the right to take over the dams, plants and other structures and all appurtenances thereto which have
 been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon
 condition that before taking possession the State or municipality shall pay not to exceed the fair
 value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and
 dependable property of the holder of this certificate, not taken over, as may be caused by the
 severance therefrom of the property taken in accordance with the provisions of section 47-508,
 Oregon Code 1930.

WITNESS the signature of the State Engineer,

affixed this 28th day
 of January, 1932

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 9, page 9560.

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF ROAR S. KJAER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM BIG APPLGATE RIVER)

ORDER APPROVING
TRANSFER NO. 2698

On September 8, 1972, Roar S. Kjaer filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Big Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Paul and Eva Erdman and recorded at page 9560, Volume 9, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.04 cubic foot per second of water from Big Applegate River for the irrigation of 3.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 38 South, Range 4 West, W.M., with a date of priority of October 8, 1931. These lands are irrigated from a point of diversion located 240 feet North and 640 feet East from the SW corner of NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 38 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1100 feet South and 220 feet East from the NW corner of Section 22 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 38 South, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report 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 Big Applegate River, to-wit:

From a point located 240 feet North and 640 feet East from the SW corner of NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 38 South, Range 4 West, W.M.

To a point to be located 1100 feet South and 220 feet East from the NW corner of Section 22 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 38 South, Range 4 West, W.M.

for the irrigation of 3.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 38 South, Range 4 West, W.M., with a date of priority of October 8, 1931, 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, 1973.

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 0.04 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 Paul and Eva Erdman and recorded at page 9560, Volume 9, 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 Roar S. Kjaer confirming the change in point of diversion.

Dated at Salem, Oregon, this 8th day of January, 1973.

CHRIS L. WHEELER
State Engineer