

2764

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STATUS OF APPLICATION

Change in Point of Diversion
 Date filed Feb. 9, 1973
 Date of hearing May 14, 1973
 Place of hearing Grant Pass
 Date of order June 27, 1973 Vol. 23, page 226
apl to 10/1/74
 Date for application of water October 1, 1973
 Proof mailed _____
 Proof received _____
 Certificate issued NOV 21 1973 Vol. 31, page 39599+
68570

JAN 12 1996

68752

DESCRIPTION OF WATER RIGHT

Name of stream Tam East Creek
 Trib. of Grave Creek County of Josephine
 Use Irrigation
 Quantity of water _____ No. of acres 2^e
 Name of ditch _____
 Date of priority Dec. 6, 1911
 In name of Columbia Mines Company
 _____ Adjudication, Vol. _____, page _____
 App. No. 1908 Per. No. E-124 Cert. No. 959
 Certificate cancelled _____
 Notation made on record by _____
OK Cert

FEES PAID

Date	Amount	Receipt No.
<u>2-9-73</u>	<u>25.00</u>	<u>32404</u>
<u>2-9-73</u>	<u>50.00 P.O.N.</u>	<u>32405</u>
TOTAL . . .		
<u>5-7-73</u>	<u>3⁰⁰ Cert. Fee</u>	<u>From P.O.N.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>5-7-73</u>	<u>8.50 P.O.N.</u>	<u>5274</u>

REMARKS

W.R.I.S.	
Assembled	<u>4/27/84</u> by <u>SLH</u>
Entered	_____ by _____
Verified	_____ by _____

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

STATE OF OREGON
COUNTY OF JOEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LANA SARGENTI
960 KING MOUNTAIN TRAIL
SUNNY VALLEY, OREGON 97497

confirms the right to use the waters of TOM EAST CREEK, a tributary of GRAVE CREEK, for IRRIGATION OF 2.0 ACRES.

This right was perfected under Permit E-124. The date of priority is DECEMBER 6, 1911. This right is limited to 0.03 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, if available at the original point of diversion, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 5, T 34 S, R 5 W, WM; S 45 ° 45' W, 1510 FEET FROM THE NE CORNER OF SECTION 5 measured at the point of diversion from the source.

The point of diversion is located as follows:

NO AUTHORIZED POINT OF DIVERSION.

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:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 ACRES
SECTION 5
TOWNSHIP 34 SOUTH, RANGE 5 WEST, W.M.

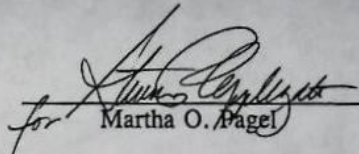
This certificate is issued to confirm a water right resulting from a change in point of diversion which was not completed as approved by an order of the State Engineer entered JUNE 27, 1973, approving transfer 2764, and together with Certificate 39599, supersedes Certificate 959, State Record of Water Right Certificates.

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.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE PLACE OF USE AND SUPERSEDES CERTIFICATE 68328.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed JANUARY 12, 1996.


for Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 68752.

T-2764.DEK

STATE OF OREGON

WATER DIVISION No. 1

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That COLUMBIA MINES COMPANY

of o/o Allen & Lewis, Portland, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Tom East Creek, a tributary of Grave Creek.

, for the purpose of ^{4.0} ~~the~~ irrigation of ~~6~~ acres of land

under ~~Enlargement~~ Permit No. 124 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1,

at page 191, on the 1st day of September, 1915; that the priority of the right hereby confirmed dates from December 6, 1911; 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 ^{0.05} ~~0.08~~ cubic feet per second, or its equivalent in case of rotation. The use

hereunder shall conform to any reasonable rotation system ordered by the proper State Officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

1 acre in the Northeast quarter of Southwest quarter and 5 acres in the Southwest quarter of Southwest quarter of Section Five (5), Township Thirty-four (34) South, Range Five (5) West of Willamette Meridian, in Josephine County, Oregon.

1 acre NE 1/4 SW 1/4
3 acres SW 1/4 SW 1/4
Section 5
T34 S R5 W10 M

Certificate of water right issued to Columbia Mines Company and recorded at page 959, Volume 2, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 6.0 acres. A change in the point of diversion for the irrigation of 2.0 acres was approved by order of the State Engineer entered June 27, 1973. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to Columbia Mines Company.

of September, 1915.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS
State Engineer, President

Attest: M. F. MERS
Secretary

Recorded in State Record of Water Right Certificates, Volume 2, Page 959.

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICA-)
TION OF ARTHUR L. AND IRENE)
ROFF FOR THE APPROVAL OF A)
CHANGE IN POINT OF DIVERSION)
OF WATER FROM TOM EAST CREEK)

ORDER APPROVING
TRANSFER NO. 2764

On February 9, 1973, Arthur L. and Irene Roff filed an application in the office of the State Engineer for a change in point of diversion of water from Tom East Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Columbia Mines Company and recorded at page 959, Volume 2, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.08 cubic foot per second of water from Tom East Creek for the irrigation of, among other lands, 2.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 34 South, Range 5 West, W.M., with a date of priority of December 6, 1911. These lands are irrigated from a point of diversion located South 45° 45' W., 1510' from the NE corner of Section 5, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 34 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation from a point of diversion 610 feet North and 1320 feet West from the South $\frac{1}{4}$ corner of Sec. 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 34 South, Range 5 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 Grants Pass,

Oregon, on May 14, 1973, at 9:30 a.m. The notice was published in the Grants Pass Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of March 22, 29 and April 5, 1973.

The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. Steimer, Watermaster of District No. 14, 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 Tom East Creek, to-wit:

From a point located South 45° 45' W. 1510' from the NE corner of Section 5, being within the NE¼ NE¼ of Section 5, Township 34 South, Range 5 West, W.M.

To a point to be located 610 feet North and 1320 feet West from the South ¼ corner of Section 5, being within the SW¼ SW¼ of Section 5, Township 34 South, Range 5 West, W.M.

for the irrigation of 2.0 acres in SW¼ SW¼, Section 5, Township 34 South, Range 5 West, W.M., with a date of priority of December 6, 1911, 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 0.03 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 Columbia Mines Company and recorded at page 959, Volume 2, 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 completion of the authorized change in point of diversion, a certificate of water right shall be issued to Arthur L. and Irene Roff confirming the change in point of diversion.

Dated at Salem, Oregon, this 27th day of June, 1973.

/s/ CHRIS L. WHEELER
State Engineer

LEGAL NOTICE

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

Notice is given hereby that Arthur L. and Irene Roff have filed an application for the approval of a change in point of diversion of water from Tom East Creek.

Certificate of water right issued to Columbia Mines Co. and recorded on page 959, Volume 2, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.08 cubic foot per second of water from Tom East Creek for irrigation of, among other lands, 2.0 acres in SW 1/4, Section 5, Township 34 South, Range 5 West, W.M., with a date of priority of December 6, 1911.

These lands are irrigated from a point of diversion located South 45° 45' West 1516' from the NE corner of Section 5, being within the NE 1/4 NE 1/4 of Section 5, Township 34 South, Range 5 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 610 feet North and 1320 feet West from the South 1/4 corner of Section 5, being within the SW 1/4, SW 1/4 of Section 5, Township 34 South, Range 5 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on May 14, 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 Arthur L. and Irene Roff, 920 King Mt. Road, Sunny Valley, Oregon, 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 14th day of March, 1973.

CHRIS L. WHEELER

State Engineer

No. 39 — Thurs. — 4-5-73

RECEIVED
APR 6 1973

STATE ENGINEER
Salem, OREGON

AFFIDAVIT OF PUBLICATION

State of Oregon }
County of Josephine } ss.

I, Charles J. Moore, being

first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Grants Pass Daily Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER, printed 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 March 22, 29, and April 5, 1973

Charles J. Moore

Subscribed and sworn to before me this 5th day of

April, 19 73

Stephen J. Zaluska
Notary Public of Oregon.

My commission expires 4th day of February, 19 76