

2792 Thomas R. Hart, Sr.
2456 Applegate Ave.
 Grants Pass, Ore.

2792

STATUS OF APPLICATION

Change in Point of Diversion
Date filed April 23, 1973
Date of hearing September 27, 1973
Place of hearing Grants Pass, Ore.
Date of order 1-3-74 Vol. 24, page 42
Date for application of water 10-1-74
Proof mailed _____
Proof received _____
Certificate issued FEB 4 1975 Vol. 33, page 41612
41613

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
Trib. of _____ County of Josephine
Use Irrigation
Quantity of water _____ No. of acres 107²
Name of ditch Red Bluff Irr. Dist. Ditch
Date of priority Oct. 1900 & Sept. 17, 1943
In name of Hart, Rada, Furlong, Baker, & Lovitt
Rogue River Adjudication, Vol. 13, page 409
App. No. 20037 Per. No. 15606 Cert. No. 15295
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
4-23-73	25.00	33413
4-23-73	30.00 P.O.D.	33414
8-30-73	20.72 P.O.D.	36393
TOTAL . . .		
8-30-73	3.00 Cert. Fee	36394

FEES REFUNDED

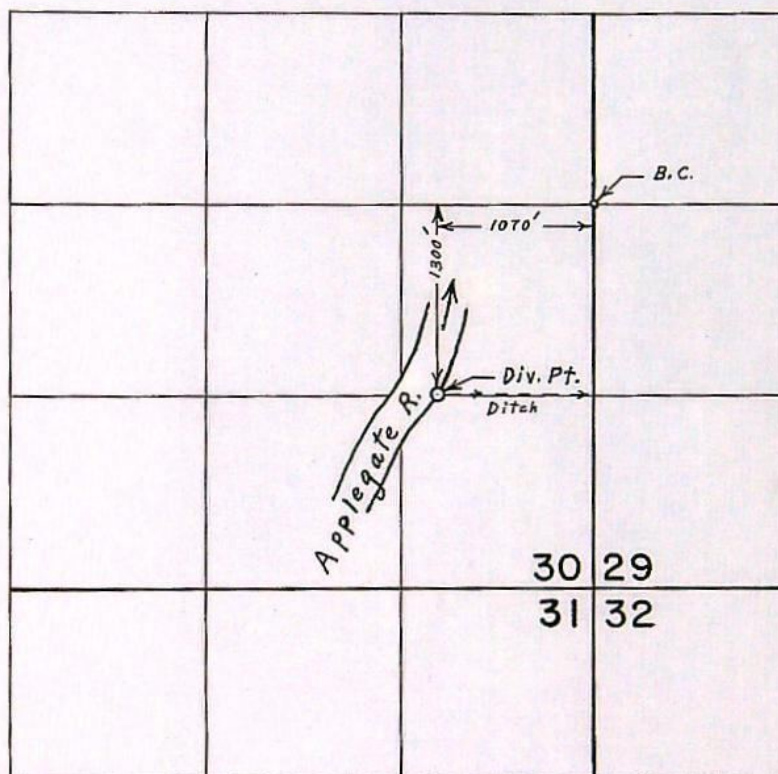
Date	Amount	Check No.

REMARKS

INDEX CARDS:

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

T.36 S. R.6 W. W.M.



FINAL PROOF SURVEY
UNDER

Application No. _____ Transfer No. 2792
Permit No. _____
IN NAME OF
THOMAS R. HART JR.

Surveyed May 20, 1974, by L. E. Gould

STATE OF OREGON
COUNTY OF JOSEPHINE

Spec. Or. V. 24 p. 42

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Thomas R. Hart Sr.
2456 Applegate Ave.
of Route 2, Box 628, Grants Pass, State of Oregon 97526, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Applegate River
a tributary of Rogue River for the purpose of
irrigation of 35.0 acres
under Permit No. 15606 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 September 17, 1943

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
0.44 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 NE 1/4 SW 1/4, Section 30, Township 36 South, Range
6 West, W. M. NE 1/4 SW 1/4 30

1300 ft S + 1070 ft W from E 1/4 Cor. Sec. 30
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 $4\frac{1}{2}$ 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:

35 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Section 30,
T. 36 S., R. 6 W., W. M.

This certificate is issued to confirm a change in Pt. of Div. approved by an
order of the State Engineer entered Jan 3, 1974, and supersedes certificate of
water right heretofore issued to (old above) and recorded at page 15295,
Volume 13, State Record of Water Right Certificates.

use herein described.

WITNESS the signature of the State Engineer, affixed

this 15th day of March

, 1943

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 15,295

STATE OF OREGON

COUNTY OF

JOSEPHINE ✓

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ^{R Sr.} THOMAS HART, ~~STUART RUDA and RILEY FURLONG~~of ^{2456 Applegate Ave.} ~~5808 Redwood Avenue~~, Grants Pass, 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 72.0 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 16, at page 523; that the priority of the right thereby confirmed dates from October, 1900

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 1.44 cubic feet per second.

The point of diversion is located in the ^{NE SE} ~~NW 1/4 NE 1/4~~, Section ³⁰ ~~31~~, T. 36 S., R. 6 W., W.M. Diversion point located ¹⁰²⁰ ~~1020~~ feet South and ²⁵⁷⁰ ~~2570~~ feet West from ~~NE~~ Corner, Section ³⁰ ~~31~~. A description of the place of use under the right, and to which such right is appurtenant, is as follows:

¹³⁰⁰ ~~1300~~ ¹⁰⁷⁰ ~~1070~~ ^{2 1/4} ~~2 1/4~~

40.0 acres SW 1/4 NW 1/4
Section 29

32.0 acres NE 1/4 SE 1/4
Section 30
T. 36 S., R. 6 W., W. M.

Ch. 11-1 Div.

This certificate is issued to confirm a change in point of diversion approved by an order of the State Engineer entered August 3, 1967, and supersedes certificate of water right heretofore issued to ~~J. L. Helms~~ and recorded at page ~~32900~~, Volume ~~24~~, State Record of Water Right Certificates.

²⁹ 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 date February 26, 1971.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37381

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION
OF THOMAS R. HART, SR., FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM APPELEGATE
RIVER

ORDER APPROVING
TRANSFER NO. 2792

On April 23, 1973, Thomas R. Hart, Sr., 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.

Certificate of water right issued to William J. Baker, Lois N. Baker, Roy M. Lovitt and Galene Lovitt and recorded at page 15295, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.44 cubic foot per second of waters of Applegate River for the irrigation of 35.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M., with a date of priority of September 17, 1943. These lands are irrigated from a point of diversion located 200 feet South and 200 feet West from the Center corner of Section 31, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 36 South, Range 6 West, W.M.

Certificate of water right issued to Thomas Hart, Stuart Ruda and Riley Furlong and recorded at page 37381, Volume 29, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.44 cubic feet per second of waters of Applegate River for the irrigation of 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, and 32.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M., with a date of priority of October, 1900. These lands are irrigated from a point of diversion located 1570 feet North and 5 feet East from the center corner of Section 31, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 36 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by a pumping plant from a point of diversion 1320 feet North and 1100 feet West from the Southeast corner of Section 30, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 36 South, Range 6 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 September 27, 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 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. 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 objection 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 Applegate River, to wit:

From a point located 1570 feet North and 5 feet East from the center corner of Section 31, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 36 South, Range 6 West, W.M.

And from a point located 200 feet South and 200 feet West from the Center corner of Section 31, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 36 South, Range 6 West, W.M.

To a point to be located 1320 feet North and 1100 feet West from the Southeast corner of Section 30, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 36 South, Range 6 West, W.M.

for the irrigation of 35.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, with a date of priority of September 17, 1943, 40.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, and 32.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M., with a date of priority of October, 1900, 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 1.44 cubic feet under date of priority of October, 1900 and 0.44 cubic foot under date of priority of September 17, 1943.

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 William J. Baker, Lois N. Baker, Roy M. Lovitt and Galene Lovitt and recorded at page 15295, Volume 13, State Record of Water Right Certificates, and certificate of water right heretofore issued to Thomas Hart, Stuart Ruda and Riley Furlong and recorded at page 37381, Volume 29, State Record of Water Right Certificates, are canceled, 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 Thomas R. Hart, Sr., confirming said change in point of diversion.

Dated at Salem, Oregon, this 3rd day of January, 1974.

/s/ CHRIS L. WHEELER
State Engineer

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON

LEGAL NOTICE

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

Notice is given hereby that Thomas R. Hart, Sr., has filed an application for the approval of a change in point of diversion of water from Applegate River.

Certificate of water right issued to William J. Baker, Lois N. Baker, Roy M. Lovitt and Galene Lovitt and recorded at page 15295, Volume 13, State Record of Water Right Certificates, confirms a right to use of not to exceed 0.44 cubic foot per second of waters of Applegate River for the irrigation of 35.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M., with a date of priority of September 17, 1943. These lands are irrigated from a point of diversion located 200 feet South and 200 feet West from the Center corner of Section 31, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 36 South, Range 6 West, W.M.

Certificate of water right issued to Thomas Hart, Stuart Ruda and Riley Furlong and recorded at page 37381, Volume 29, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.44 cubic feet per second of waters of Applegate River for the irrigation of 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, and 32.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M., with a date of priority of October, 1900. These lands are irrigated from a point of diversion located 1570 feet North and 5 feet East from the Center corner of Section 31, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 36 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by a pumping plant from a point of diversion 1320 feet North and 1100 feet West from the SE corner of Section 30, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 36 South, Range 6 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on September 27, 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 Thomas R. Hart, Sr., 2456 Applegate Avenue, Grants Pass, Oregon, 97526, 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 27th day of July, 1973.

CHRIS L. WHEELER

State Engineer

No. 9 — Fri., Aug. 3, 10 & 17, 1973.

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 August 3, 10, & 17, 1973

Charles J. Moore

Subscribed and sworn to before me this 17th day of August, 1973

A. Keithley Zula

Notary Public of Oregon.

My commission expires

RECEIVED

February, 1976

AUG 23 1973

STATE ENGINEER
SALEM, OREGON