

2793

2793

Myers Lane
Medford, Ore.5800 Redwood Hwy
Grants Pass, 97526

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed April 23, 1973
 Date of hearing _____
 Place of hearing _____
 ✓ Date of order 12-21-73 Vol. 23, page 478-480
 Date for application of water 10-1-74
 Proof mailed _____
 Proof received _____
 Certificate issued MAY 21 1975 Vol. 34, page 42173
42174

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
 Trib. of _____ County of Josephine
 Use Irrigation
 Quantity of water _____ No. of acres 37⁶
 Name of ditch Red Bluff Irr. Dist. ditch
 Date of priority 1900
 In name of _____
Regue River Adjudication, Vol. 13, page 394
 App. No. _____ Per. No. _____ Cert. No. 37379
37380
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
4-23-73	25.00	33415
4-23-73	30.00 P.O.N.	33416
9-12-73	17.05 P.O.N.	36554
TOTAL . . .		
9-12-73	3.00 Cert. Fee	36555

FEES REFUNDED

Date	Amount	Check No.

REMARKS

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	WH	
	Stream	WH	
	Pt. of Div.		
	Calendar	WH	
	CHECKED TO RECORDS:		
	Twp. & Rge.	WAC	
	Decree-vault	WAC	
	Decree-safe	WAC	
	Cert. of W/R	WAC	
	Per. Folder		
	Chainindex		
	Cross Ref.		
	Owner Claim		
	Abstracts		

Hand-drawn map on a grid showing the location of the "Aggregate R." (River) and a "Div. Pt." (Division Point). The map includes a "Ditch" running vertically and a "Pipe" running horizontally. A "Res." (Reservoir) is marked near the top right. Dimensions are given: 1070' horizontally and 1300' vertically. A "B.C." (Boundary Corner) is marked at the top right. The map is divided into four quadrants labeled 30, 29, 31, and 32.

Application No. _____ Transfer No. 2793
Permit No. _____
IN NAME OF
MERLYN D. BOROUGH

1974 - K

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION
OF MERLYN D. BOROUGH FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM APPEGATE RIVER

ORDER APPROVING
TRANSFER NO. 2793

On April 23, 1973, Merlyn D. Borough 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.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of Thomas Hart, Stuart Ruda, and Riley Furlong for the use of the waters of Applegate River for the irrigation of 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 36 South, Range 6 West, W.M., with a date of priority of October, 1900, as evidenced by certificate of water right recorded at page 37379, Volume 29, State Record of Water Right Certificates.

By Decree of the Circuit Court for Jackson County, Oregon, entered May 19, 1964, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of Thomas Hart, Stuart Ruda and Riley Furlong for the use of the waters of Applegate River for the irrigation of 27.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 36 South, Range 6 West, W.M., with a date of priority of October, 1900, as evidenced by certificate of water right recorded at page 37380, Volume 29, State Record of Water Right Certificates.

These lands are irrigated by means of the Red Bluff Irrigation District ditch from a point of diversion located 1570 feet North and 5 feet East from the center of Section 31, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 36 South, Range 6 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 1320 feet North and 1100 feet West from the Southeast corner of Section 30, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, 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 October 12, 1973 at 9:30 a.m. The notice was published in the Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of August 17, 24 and 31, 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 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 Applegate River, to wit:

From a point located 1570 feet North and 5 feet East from the center 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.

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 27.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 36 South, Range 6 West, W.M., with a date or 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.

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 certificates of water right heretofore issued to Thomas Hart, Stuart Ruda and Riley Furlong recorded at pages 37379, and 37380, 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 Merlyn D. Borough confirming the change in point of diversion.

Dated at Salem, Oregon, this 21st day of December, 1973.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF

JOSEPHINE ✓

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Merlyn D. Borough
~~THOMAS HART, STUART RUDA and RILEY FURLONG~~
~~5800 Redwood Highway Grants Pass~~ 97526
~~1626 Myers Lane~~ 97501
 of ~~5808 Redwood Avenue, Grants Pass~~ Medford, 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 ~~27.6~~ 19.0 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 ~~0.55~~ 0.38 cubic foot per
 second.

The point of diversion is located in the ~~NW 1/4 NE 1/4~~ 3 NE 1/4 SE 1/4 Section 30, T. 36 S., R. 6 W., W.M. Diver-
 sion point located: ~~1020~~ 1380 feet South and ~~2570~~ 1870 feet West from ~~NE~~ SE Corner, Section ~~30~~ 30.
 A description of the place of use under the right, and to which such right is appurtenant, is as
 follows:

19.0
~~27.6~~ acres in that part of NW 1/4 SW 1/4
 lying below the Red Bluff Ditch
 Section 29
 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 Dec 21, 1973, and supersedes certificate of water right
 heretofore issued to Same as above and recorded at page 37380, Volume 29,
Hart etc.
 State Record of Water Right Certificates.

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, 19 71.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37380

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Merlyn D. Borough
~~THOMAS HART, STUART RUDA and RILEY FURLONG~~
5000 Redwood Hwy Grants Pass 77526
~~426 Meyers Lane~~ Medford 97507
 of ~~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 ~~15~~ 6.0 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 4, at page 1; 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 0.25 cubic foot per
 second. 0.15

The point of diversion is located in the NE 1/4 SE 1/4 Section 31, T. 36 S., R. 6 W., W.M. Diver-
 sion point located 1380 feet South and 2570 feet West from NE Corner, Section 31. 30
 A description of the place of use under the right, and to which such right is appurtenant, is as
 follows: SE

6.0 ~~10.0~~ acres SW 1/4 SW 1/4
 Section 29
 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 Dec 21, 1973, and supersedes certificate of water right
 heretofore issued to Same as above and recorded at page 37379, Volume 29,
Hart - etc.
 State Record of Water Right Certificates.

of use herein described.

WITNESS the signature of the State Engineer, affixed

this date February 26, 19 71.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37379

LEGAL NOTICE

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

Notice is given hereby that Merlyn D. Borough 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 Thomas Hart, Stuart Ruda and Riley Furlong and recorded at page 37379, Volume 29, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of water from Applegate River for the irrigation of 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 36 South, Range 6 West, W.N., with a date of priority of October, 1900.

Certificate of water right issued to Thomas Hart, Stuart Ruda and Riley Furlong and recorded at page 37380, Volume 29, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.35 cubic foot per second of water from Applegate River for the irrigation of 27.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, 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 $\frac{1}{4}$, NW $\frac{1}{4}$ 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 from a point of diversion to be located 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 October 12, 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 Merlyn D. Borough, 1628 Myers Lane, Medford, Oregon, 97501, 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 10th day of August, 1973.

CHRIS L. WHEELER
State Engineer

No. 30—Fri. Aug. 17, 24, 31, 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, a 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 17, 24, & 31, 1973

Charles J. Moore
31st

Subscribed and sworn to before me this day of

August, 19 73

Kathleen Zahner
Notary Public of Oregon.

My commission expires 4th day of February, 19 76

RECEIVED

SEP 4 1973

STATE ENGINEER
SALEM, OREGON