

3131

STATUS OF APPLICATION

Change in point of diversion
Date filed 9-24-74
Date of hearing August 26, 1975
Place of hearing Grants Pass
Date of order 4-6-76 Vol. 27, page 83
Date for application of water 10-1-77 10-1-78
Proof mailed MAR 5 1986
Proof received _____
Certificate issued AUG 30 1976 35, page 43597
APR 9 1986 49 54180
10 Sur 9-78

DESCRIPTION OF WATER RIGHT

Name of stream East Fork Illinois River
Trib. of _____ County of Josephine
Use irrigation
Quantity of water _____ No. of acres 40
Name of ditch Bennett
Date of priority 1857
In name of Guy Fetterly
Illinois River Adjudication, Vol. 13, page 106
App. No. _____ Per. No. _____ Cert. No. 13855
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
9-24-74	30.00	43068
9-24-74	45.00 P.O.N.	43069
TOTAL . . .	<u>4.00</u>	
9-30-75	Cert. Fee	43069

FEES REFUNDED

Date	Amount	Check No.
9-30-75	<u>10.30</u>	83
2-26-75	<u>10.00</u>	410
	FROM P-6	

REMARKS

See Transfer 3376 involves part of same right

SEE FILE 52950

TO BE ENTERED WHERE CHECKED

INDEX CARDS:

	Entered	Checked
<u>WA</u> Name	<u>✓</u>	<u> </u>
<u>WA</u> Stream	<u>✓</u>	<u> </u>
<u>✓</u> Pt. of Div.	<u>WA</u>	<u> </u>
<u>✓</u> Calendar	<u> </u>	<u> </u>
<u>✓</u> Twp. & Rge.	<u>WA</u>	<u> </u>
<u>✓</u> Decree-vault	<u>WA</u>	<u> </u>
<u>✓</u> Decree-safe	<u>WA</u>	<u> </u>
<u>✓</u> Cert. of W/R	<u>CC</u>	<u> </u>
<u> </u> Per. Folder	<u> </u>	<u> </u>
<u> </u> Chainindex	<u> </u>	<u> </u>
<u> </u> Cross Ref.	<u> </u>	<u> </u>
<u> </u> Power Claim	<u> </u>	<u> </u>
<u> </u> Abstracts	<u> </u>	<u> </u>

Watson

Superseded by

Cert. No.

43592

Sp. Or. V. 27, p. 23

T-3131

STATE OF OREGON

COUNTY OF JOSEPHINE

Sp. Or. V. 27, p. 302
T. 3376

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

WILLIAM R. WATSON

GUY FETTERLY

SA30 Takilma Rd. Cave Junction

of 921 011 Kerby

, State of

Oregon

97523

, has a right to the use of

the waters of East Fork Illinois River

for the purpose of irrigation of 2.5 ac.

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 ENGINEER, in Volume 13, at page 70; that the priority of the right thereby confirmed dates from 1857;

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 one cubic foot per second for each 50 acres of land irrigated during the irrigation season from April 1 to November 1 of each year.

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

DIV PT LOC:.

NE 1/4 SW 1/4, Section 11, T40S, R8W, WM.
780' S. & 940' W. from the center Section 11

3.6 acres in SW 1/4 NE 1/4
24.5 acres in SE 1/4 NW 1/4
2.5 ac 18.7 acres in NE 1/4 SW 1/4
0.6 acre in NW 1/4 SE 1/4
Section 11,
T. 40 S., R. 8 W., W. M.

This certificate is issued to confirm a change in ~~place of use and point of diversion~~ approved by an order of the Water Resources Director entered April 6, 1976 and together with certificates of water rights recorded at pages 43597, Volume 35, State Record of Water Right Certificates, supersedes certificate of water right recorded at page 13855, Volume 12, State Record of Water Right Certificates.

48678, Vol 1
42

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.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 13855. 54180

26810

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION }
OF WILLIAM R. WATSON FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM EAST FORK }
ILLINOIS RIVER }

ORDER APPROVING
TRANSFER NO. 3131

On September 24, 1974, William R. Watson filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from East Fork Illinois River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Guy Fetterly and recorded at Page 13855, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.948 cubic foot per second of water from East Fork Illinois River for the irrigation of, among other lands, 2.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 40 South, Range 8 West, W.M., with a date of priority of 1857. These lands are irrigated by means of the Bennett ditch from a point of diversion located 2640 feet South and 1360 feet East from the Northwest corner of Section 14, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 40 South, Range 8 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 860 feet South and 1200 feet West from the center corner of Section 11, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 40 South, Range 8 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 August 26, 1975, at 9:30 a.m.

The notice was published in the Illinois Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of July 10, 17 and 24, 1975. 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 East Fork Illinois River, to wit:

From a point located 2640 feet South and 1360 feet East from the Northwest corner of Section 14, being within the $SE\frac{1}{4}NW\frac{1}{4}$ of Section 14, Township 40 South, Range 8 West, W.M.

To a point to be located 860 feet South and 1200 feet West from the center corner of Section 11, being within the $NE\frac{1}{4}SW\frac{1}{4}$ of Section 11, Township 40 South, Range 8 West, W.M.

for the irrigation of 2.5 acres in $NE\frac{1}{4}SW\frac{1}{4}$, Section 11, Township 40 South, Range 8 West, W.M., with a date of priority of 1857, 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, 1977.

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 one cubic foot per second for each 50 acres of land irrigated during the irrigation season from April to November 1 of each year.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates 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 the certificate of water right heretofore issued to Guy Fetterly and recorded at Page 13855, Volume 12, 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 Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to William R. Watson confirming the change in point of diversion.

Dated at Salem, Oregon, this 6th day of April, 1976.

/s/ JAMES E. SEXSON
Director

PUBLIC NOTICE

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

Notice is given hereby that William R. Watson has filed an application for the approval of a change in point of diversion of water from East Fork Illinois River.

Certificate of water right issued to Guy Fetterly and recorded at page 13855, Volume 12, State Record of Water Right Certificates, confirms a right to the use of 0.948 cubic foot per second from East Fork Illinois River for the irrigation of, among other lands, 2.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, T. 40 S., R. 8 E., W.M., with a date of priority of 1857. Water for this use is diverted by means of the Bennett Ditch from a point located 2640 ft. S. and 1360 ft. E. from the NW corner of Sec. 14, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, T. 40 S., R. 8 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 860 ft. S. and 1200 ft. W. from the center corner of Sec. 11, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, T. 40 S., R. 8 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on Aug. 26, 1975, 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 William R. Watson, Cave Junction, Oregon 97523, and one copy filed with the Director, Water Resources Department, Salem, Oregon, 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request. If no objections are filed, the application may be approved by the Director of the Water Resources Department without a hearing.

Dated at Salem, Oregon, this 30th day of June, 1975.

CHRIS L. WHEELER

State Engineer

Publish: July 10, 17, 24, 1975.

Affidavit of Publication

RECEIVED

AUG 18 1975

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON,
County of Josephine

} ss.

I, L. Jean Grant, being first duly sworn, depose and say I am the forman of the printers of the Illinons Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined in Section 58, Oregon Laws, that Not filing application change in water diversion point a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3

successive and consecutive weekly issues on the following dates:

July 10, 17 and 24, 1975

L. Jean Grant

Subscribed and sworn to before me this 14 day of aug, 1975

Walter F. McLean
Notary Public for Oregon

(My Commission expires June 16, 1978).