

3025 John H. Bates
584 Riverbank Road
Santa Rosa, Or. 97526

Mailed 10-15-75

3025

STATUS OF APPLICATION

Change in point of diversion + place of use
Date filed 5-2-74
Date of hearing 12-10-74
Place of hearing Draughts Pass
Date of order 12-11-74 Vol. 25, page 194
Date for application of water 10-1-75
Proof mailed JUN 5 1979
Proof received _____
Certificate issued AUG 23 1979 Vol. 41, page 48459
Survey

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
Trib. of _____ County of Josephine
Use irrigation
Quantity of water _____ No. of acres 8.0
Name of ditch _____
Date of priority Feb. 1898
In name of W.W. Woodward
Regu. River Adjudication, Vol. 13, page 414
App. No. _____ Per. No. _____ Cert. No. 32924
Certificate cancelled _____
Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|-----------------|--------------------------|-----------------------------------|
| <u>5-2-74</u> | <u>45.00</u> | <u>39824</u> |
| <u>8-13-74</u> | <u>45.00 P.O.N.</u> | <u>42460</u> |
| TOTAL . . . | | |
| <u>11-19-74</u> | <u>1.50</u> Cert. Fee | <u>from P.O.N.</u> <u>8-60</u> |
| <u>7-24-79</u> | <u>2.00</u> | <u>12996</u> |

FEES REFUNDED

| Date | Amount | Check No. |
|-----------------|---------------|-------------|
| <u>11-19-74</u> | <u>\$7.45</u> | <u>6071</u> |

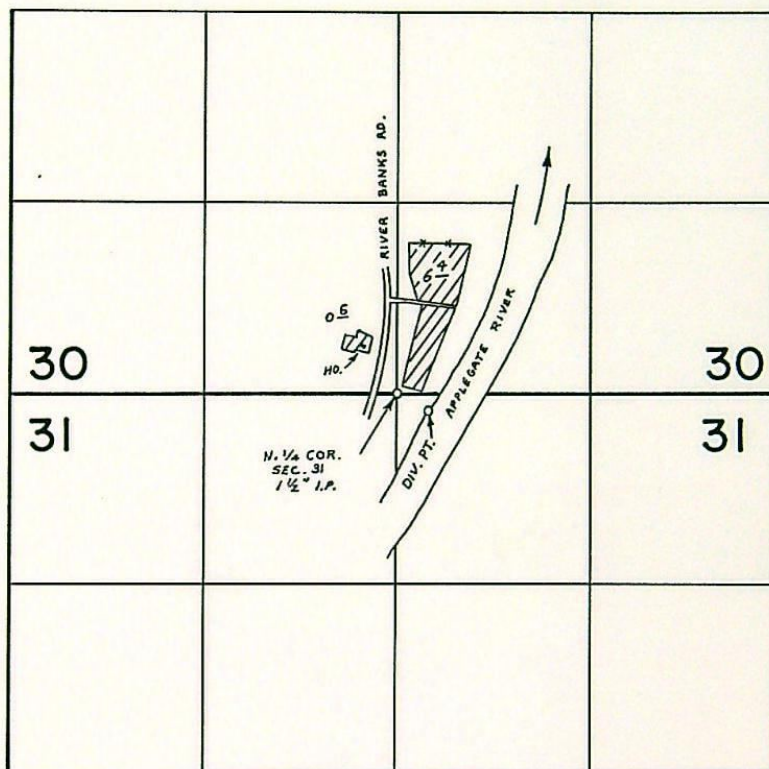
REMARKS

Form 130 sent JUL 6 1979 finis Sp. O. Vol 7, p. 29 R-33

| TO BE ENTERED WHEN CHECKED | INDEX CARDS: | Entered | Checked |
|----------------------------|---------------------|------------|------------|
| | | | |
| <u>✓</u> | Name | <u>✓</u> | <u> </u> |
| <u>✓</u> | Stream | <u>✓</u> | <u> </u> |
| <u>WJ</u> | Pt. of Div. | <u> </u> | <u> </u> |
| <u> </u> | Calendar | <u>✓</u> | <u> </u> |
| <u> </u> | CHECKED TO RECORDS: | | |
| <u> </u> | Twp. & Rge. | <u>✓</u> | <u> </u> |
| <u> </u> | Decree-vault | <u>✓</u> | <u> </u> |
| <u> </u> | Decree-safe | <u>✓</u> | <u> </u> |
| <u> </u> | Cert. of W/E | <u>✓</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> |

544

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



DIV. PT. LOC. : 120' S. of 210' E. FROM N. 1/4 COR. SEC. 31

FINAL PROOF SURVEY
UNDER

Transfer No. 3025

Application No. Permit No.
IN NAME OF

JOHN R. PATTEE

Surveyed NOV. 3 77 by B. SUND
19.....

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JOHN R. PATTEE

~~W. W. WOODWARD, successor in interest to~~
Mary E. Murray,584 RIVERBANKS RD.
of Route 2, Box 602, Grants Pass
to the use of the waters of Applegate River

, State of Oregon 97526, has a right

a tributary of Rogue River
irrigation of 8.8 acres

for the purpose of

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 February, 1898;

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 0.16 cubic foot per second. *if available at the original point of**diversion; NE⁴NW⁴ Sec 31 T36S R6W W.M., 980'S E 200'W from the N¹/₄ cor Sec 31*The point of diversion is located in the ~~NE⁴NW⁴~~ ^{NW⁴NE⁴} Section 31, T. 36 S., R. 6 W., W.M. 120 ft S AND 210 ft E from N¹/₄ COR. SEC. 31

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

0.6 acre in SE⁴ SW⁴ -
8.4 acres in SW⁴ SE⁴ -
Section 30, -
T. 36 S., R. 6 W., W.M.being all of SW⁴ SE⁴ of said Section 30 West of the Applegate River, less a tract owned by John C. Rawls described as follows: Beginning at the NW corner of ~~Section 30, T. 36 S., R. 6 W., W.M.~~ thence East 542 feet to the countyThis certificate is issued to confirm a change in ^{place of use and} point of diversion approved by an order of the WRD entered DEC-11, 1974 and supersedes certificate of water right recorded on Page 32924, Volume 24, SRWRC.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

an order of the WRD entered DEC-11, 1974 and supersedes certificate of water right recorded on Page 32924, Volume 24, SRWRC.
Volume 7, Special Order Record pursuant to the provisions of ORS 540.530.

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 January 5, 19 66.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32924

AUG 23 1979

48459

we pay \$.50
when processed
OK
LMT

LEGAL NOTICE

NOTICE OF FILING
APPLICATION FOR CHANGE
IN POINT OF DIVERSION
AND PLACE OF USE

Notice is given hereby that John R. Pattee has filed an application for the approval of a change in point of diversion and place of use of water from Applegate River. In the Rogue River Adjudication proceedings a water right was established in the name of W. W. Woodward for the use of the waters of Applegate River for the irrigation of 8.0 acres in the SW 1/4 SE 1/4, Sec. 30, T. 36 S., R. 6 W., W.M., with a date of priority of February, 1898.

These lands are irrigated from a point of diversion located 980 ft. S. and 200 ft. W. from the NE 1/4 corner of Sec. 31, being within the NE 1/4 NW 1/4, Sec. 31, T. 36 S., R. 6 W., W.M.

The applicant herein, owner of the lands above described proposes to change the place of use to 1.0 acre in the SE 1/4 SW 1/4 and 7.0 acres in the SW 1/4 SE 1/4, Sec. 30, T. 36 S., R. 6 W., W.M., and to irrigate these lands from a point of diversion located 180 ft. S. and 225 ft. E. from the NE 1/4 corner of Sec. 31, being within the NW 1/4 NE 1/4, Sec. 31, T. 36 S., R. 6 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on December 10, 1974 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 John R. Pattee, 584 Riverbanks Road, 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.

Dated at Salem, Oregon, this 7th day of October, 1974.

CHRIS L. WHEELER
State Engineer

No. 18-Tues. Oct. 15, 22, & 29, 1974

AFFIDAVIT OF PUBLICATION

RECEIVED

OCT 30 1974

STATE ENGINEER
SALEM, OREGON

State of Oregon

County of Josephine

ss.

Charles J. Moore

I, _____, 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

_____, 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 October 15, 22, and 29, 1974

Subscribed and sworn to before me this _____^{29th} day of

October, 1974

S. Kathleen Johnson
Notary Public of Oregon.

My commission expires 4th day of February, 1976

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION }
OF JOHN R. PATTEE FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
AND PLACE OF USE OF WATER FROM }
APPLEGATE RIVER }

ORDER APPROVING
TRANSFER NO. 3025

On May 2, 1974, John R. Pattee filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use 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 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 W. W. Woodward for the use of the waters of Applegate River for the irrigation of 8.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M., with a date of priority of February, 1898. These lands are irrigated from a point of diversion located 980 feet South and 200 feet West from the North $\frac{1}{4}$ corner of Section 31, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 36 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right from the 8.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M., without loss of priority to 1.0 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M., and to irrigate these lands from a point of diversion to be located 180 feet South and 225 feet East from the North $\frac{1}{4}$ corner of Section 31, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, 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 place of use and point of diversion of water, if any there were, namely: at the county courthouse in Grants Pass on December 10, 1974 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 October 15, 22 and 29, 1974. 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, District No. 14, has filed a report to the effect that the proposed change in point of diversion and place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion and place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 8.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M., with a date of priority of February, 1898, be severed therefrom and simultaneously and without loss of priority transferred to 1.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Applegate River, to wit:

From a point located 980 feet South and 200 feet West from the North $\frac{1}{4}$ corner of Section 31, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 36 South, Range 6 West, W.M.

To a point to be located 180 feet South and 225 feet East from the North $\frac{1}{4}$ corner of Section 31, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 36 South, Range 6 West, W.M.

for the irrigation of 1.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 36 South, Range 6 West, W.M., with a date of priority of February, 1898, is approved.

MILLERS FALLS
ALL COTTON

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1975.

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 be limited to 0.16 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 W. W. Woodward and recorded at page 32924, Volume 24, 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 place of use and point of diversion, a certificate of water right shall be issued to John R. Pattee confirming the extent to which water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 11th day of December, 1974.

/s/ CHRIS L. WHEELER
State Engineer

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MILLERS FALLS
ALL COTTON