

STATUS OF APPLICATION

Change in point of diversion
 Date filed 8-29-74
 Date of hearing _____
 Place of hearing _____
 Date of order 11-4-75 Vol. 26, page 158
 Date for application of water 10-1-76
 Proof mailed _____
 Proof received _____
 Certificate issued May 2, 1980 Vol. 42, page 49191

*Summary
2-79*

REMARKS

Note: THIS FINAL PROOF Shows the corrected location of the land

DESCRIPTION OF WATER RIGHT

Name of stream Kelly Creek
 Trib. of _____ County of Josephine
 Use irrigation
 Quantity of water _____ No. of acres 0.4
 Name of ditch Foster Line
 Date of priority May 22, 1950
 In name of Wayne J. Foster
 _____ Adjudication, Vol. _____, page _____
 App. No. 24739 Per. No. 19927 Cert. No. 27340
 Certificate cancelled _____
 Notation made on record by _____

3123

FEES PAID

Date	Amount	Receipt No.
<u>8-29-74</u>	<u>30.00</u>	<u>42710</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

INDEX CARDS:

	Entered	Checked
☒ Name	☒	☐
☒ Stream	☒	☐
☒ Pl. of Div.	☒	☐
☒ Calendar	☒	☐
CHECKED TO RECORDS:		
☒ Twp. & Rge.	☒	☐
☐ Decree-vault	☐	☐
☐ Decree-safe	☐	☐
☒ Cert. of W/R	☒	☐
☒ Per. Folder	☒	☐
☐ Chainindex	☐	☐
☐ Cross Ref.	☐	☐
☐ Power Claim	☐	☐
☐ Abstracts	☐	☐

TO BE ENTERED WHERE CHECKED

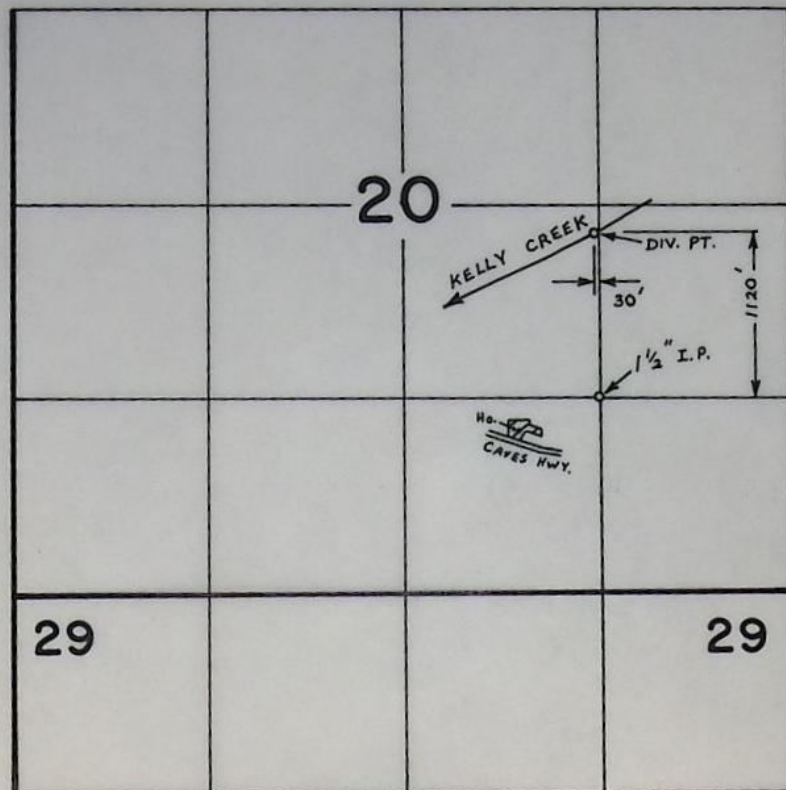
W.R.I.S.

Assembled 8/22/85 by CCF

Entered _____ by _____

Verified _____ by _____

T.39S., R.7W., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 3123

Application No. Permit No.
IN NAME OF

WAYNE J. FOSTER

Surveyed JUN. 11 1979, by B. SUND

D.H.M.
P.T.S.-1979-14-B
& P.T.S.-1959-D

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STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That WAYNE J. FOSTER
 3675 Upper River Road GRANTS PASS
 of ~~Route 1 Box 382, Cave Junction~~, 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
 Kelly Creek
 a tributary of East Fork Illinois River for the purpose of
 irrigation of 0.4 acres,

under Permit No. 19927 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 May 22, 1950,

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
 0.01 cubic feet per second, if available at the original point of diversion
 NW 1/4 SE 1/4 Section 20, T. 39 S, R. 7 W, W.M.

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the NW 1/4 SE 1/4 Section 20, Township 39 South, Range
 7 West, W.M., 1120 feet North and 30 feet West from the SE CORNER,
 NW 1/4 SE 1/4, Section 20

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-fiftieth 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 3 1/2 acre feet per acre for each acre irrigated
 during the irrigation season 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:

0.4 acres SW 1/4 SE 1/4
 Section 20
 Township 39 South, Range 7 West, W.M.

This certificate is issued to confirm a change in point of diversion approved
 by an order of the WRD entered Nov. 4, 1975 and supersedes certificate of water right
 recorded on Page 27340, Volume 19, SRWRC.

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

use herein described.

WITNESS the signature of the State Engineer, affixed

this date, AUGUST 3 1960

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page 27340

Cert 49191

OK
LMT

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That WAYNE J. FOSTER
3675 Upper River Road GRANTS PASS, State of Oregon 97526, has made proof
of ~~Route 1 Box 382, Cave Junction~~ to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Kelly Creek
a tributary of East Fork Illinois River for the purpose of
irrigation of 0.4 acres,

under Permit No. 19927 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 May 22, 1950,

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
0.01 cubic feet per second, if available at the original point of diversion
NW 1/4 SE 1/4 Section 20, T. 39 S, R. 7 W, W.M.

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NW 1/4 SE 1/4, Section 20, Township 39 South, Range
7 West, W.M., 1120 feet North and 30 feet West from the SE corner,
NW 1/4 SE 1/4, Section 20

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-fiftieth 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 3 1/2 acre feet per acre for each acre irrigated
during the irrigation season 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:

0.4 acres SW 1/4 SE 1/4
Section 20
Township 39 South, Range 7 West, W.M.

Land on which water is to be used is part of that described as follows:

Beginning at the N. line of SW 1/4 SE 1/4 of Sec. 20, Township 39 South, Range
7 West, W.M. from which the S 1/4 cor., of said Sec. 20 bears with the following
two courses & distances: (1) S. 89 deg. 52 min. W. 700.81 ft. (2) S 0 deg. 11
min. W. 1320.38 ft; thence running from said place of beginning N. 89 deg. 52 min.
E. 235.45 ft. along the N. line of SW 1/4 SE 1/4 of said Section; thence S. 0 deg. 08
min. W. 322.09 ft; to the northerly line of the Oregon Caves Highway thence
along said right of way line in a northwesterly direction on the arch of a 2834.93
foot radius to the right 248.27 ft, the cord of which bears N. 71 deg. 30 min.
18 sec. W. 248.2 ft; thence leave said Highway right of way line & run N. 0 deg.
10 min. E. 242.83 ft to the place of beginning, containing 1.535 acres more or
less.

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, AUGUST 3 1960

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page 27340

Cert 49191

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION
OF WAYNE J. FOSTER FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION OF
WATER FROM KELLY CREEK

ORDER APPROVING
TRANSFER NO. 3123

On August 29, 1974, Wayne J. Foster filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Kelly Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Wayne J. Foster and recorded at Page 27340, Volume 19, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.01 cubic foot per second of water from Kelly Creek for the irrigation of 0.4 acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 39 South, Range 7 West, W.M., with a date of priority of May 22, 1950. These lands are irrigated from a point of diversion located 680 feet South and 2140 feet West from the East quarter-corner of Section 20, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 39 South, Range 7 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 250 feet South and 1325 feet West from the East quarter-corner of Section 20, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 39 South, Range 7 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

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 Kelly Creek, to wit:

From a point located 680 feet South and 2140 feet West from the East quarter-corner of Section 20, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 39 South, Range 7 West, W.M.

To a point to be located 250 feet South and 1325 feet West from the East quarter-corner of Section 20, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 39 South, Range 7 West, W.M.

for the irrigation of 0.4 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 39 South, Range 7 West, W.M., with a date of priority of May 22, 1950, 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, 1976.

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 0.01 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.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10-10-77 BY 60321
10/10/77

It is FURTHER ORDERED that the certificate of water right heretofore issued to Wayne J. Foster and recorded at page 27340, Volume 19, State Record of Water Right Certificates, is canceled, 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 Wayne J. Foster confirming the change in point of diversion.

Dated at Salem, Oregon, this 4th day of November, 1975.

/s/ JAMES E. SEXSON
Director

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10-10-77 BY 60321
10/10/77

MILLERS FALLS