

3508

STATUS OF APPLICATION

Change in point of diversion
 Date filed 1-14-77
 Date of hearing 3-31-77
 Place of hearing Medford
 Date of order 4-12-77 Vol. 28, page 443
 Date for application of water 10-1-78
 Proof mailed _____
 Proof received _____
 Certificate issued NOV 28 1977 37, page 44952
OCT 20 1978 39, page 46673
DEC 16 2016 92049

DESCRIPTION OF WATER RIGHT

Name of stream Rogue River
 Trib. of _____ County of Jackson
 Use irrigation
 Quantity of water _____ No. of acres 70
 Name of ditch _____
 Date of priority _____
 In name of _____
Rogue River Adjudication, Vol. 4, page 3
 App. No. _____ Per. No. _____ Cert. No. 15827
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>1/14/77</u>	<u>\$ 80.00</u>	<u>57578</u>
TOTAL . . .		
<u>2/28/77</u>	<u>\$ 2 Cert. Fee</u>	<u>57578</u>
<u>2/28/77</u> <u>PON</u>	<u>32.38</u>	<u>ck. # 1159</u>

FEES REFUNDED

Date	Amount	Check No.
<u>2-28-77</u>	<u>10.62</u>	<u>1158</u>

fees Exam 20
 POD 15
35

REMARKS

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
<u>WH</u> Name	<u>✓</u>	<u>✓</u>
<u>WH</u> Stream	<u>✓</u>	<u>✓</u>
<u>WH</u> Pt. of Div.	<u>✓</u>	<u>✓</u>
<u>WH</u> Calendar	<u>✓</u>	<u>✓</u>
CHECKED TO RECORDS:		
<u>0</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/R	<u>✓</u>	<u>✓</u>
<u>✓</u> Per. Folder	<u>✓</u>	<u>✓</u>
<u>✓</u> Chaindex	<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>

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GEORGE W. PEARSON
BARBARA P. PEARSON
MARTHA P. BROOKS
29680 HWY 62
TRAIL OR 97541

confirms the right to the use of waters as limited and conditioned below. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1.

SOURCE OF WATER: ROGUE RIVER

PURPOSE OR USE: IRRIGATION OF 7.0 ACRES

MAXIMUM RATE: 0.14 CUBIC FOOT PER SECOND

DATE OF PRIORITY: 1880

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	1 E	WM	32	NW SE	560 FEET SOUTH AND 1600 FEET WEST FROM E1/4 CORNER, SECTION 32

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	1 E	WM	32	NE SE	3.0
33 S	1 E	WM	32	NW SE	4.0

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, under subject right described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	1 E	WM	33	NW SW	1455 FEET NORTH AND 288 FEET EAST FROM SE CORNER, SECTION 32

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices:

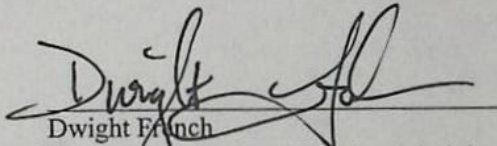
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled;

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.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered April 12, 1977, at Special Order Volume 28, Page 443, approving Transfer Application 3508, and together with Certificate 46673, supercedes Certificate 15827, State record of Water Right Certificates.

Issued DEC 16 2016.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF GEORGE W. AND BARBARA P. PEARSON)
AND MARTHA P. BROOKS FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 3508

On January 14, 1977, George W. and Barbara P. Pearson and Martha P. Brooks filed an application in the office of the Water Resources Director for approval of a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 15827, Volume 13, State Record of Water Right Certificates, in the name of J. S. and Eliza Tucker, describes an existing right of record which includes the use of not to exceed 0.14 cubic foot per second from Rogue River for irrigation of 3.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 33 South, Range 1 East, W.M., with a date of priority of 1880.

Water for the said right is diverted from a point located 1445 feet North and 288 feet East from the Southwest corner of Section 33, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 33 South, Range 1 East, W.M.

The applicants herein, owners of the lands above described, propose to change, without loss of priority, the point of diversion for said lands to a point located 500 feet South and 1500 feet West from the East quarter-corner of Section 32, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 33 South, Range 1 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of February 4, 11 and 18, 1977.

Mr. David C. Hendrix, Watermaster, has filed a statement 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 requested change in point of diversion from Rogue River described herein, without loss of priority, is approved.

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 under the subject right, and shall not exceed 0.14 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 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;

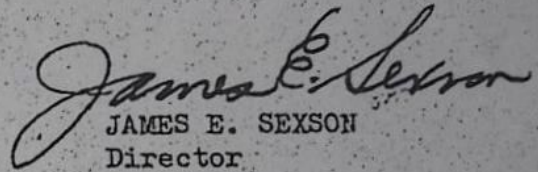
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to J. S. and Eliza Tucker and recorded at Page 15827, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of

completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 12th day of April, 1977.


JAMES E. SEXSON
Director

STATE OF OREGON

COUNTY OF Jackson:

SUPERSEDED
CERTIFICATE NO. 1

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. S. and Eliza Tucker

of Trail , State of Oregon , has a right to the use of
the waters of Rogue River
for the purpose of irrigation of 95 acres, and stock

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 1880;

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 1.90 cubic feet per second.

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:

4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
38 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 33,
12 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
17 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 32,
T. 33 S., R. 1 E., W. M.

Ch. in pt. of div. for part. Sp or V.S. p. 228
 " " " " " " same " " V.S. p. 543
 " " " " " " Del. " " V. 2, p. 551
 " " " " " " part " " V. 10, p. 141
 " " " " " " part " " V. 11 p. 192

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 30 day of September, 1929.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 13 , page 15827

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

J. S. AND ELIZA TUCKER

of Trail, State of Oregon, 97541, has
a right to the use of the waters of Rogue River

a tributary of Pacific Ocean for the purpose of
irrigation of ~~73.6~~ 88.0 acres and stock

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 WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the
right thereby confirmed dates from 1880

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 1.76 cubic feet per
second

The point of diversion is located in the

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

4.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
8.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
15.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
38.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
1.0 acre SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 33
9.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
13.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 32
T. 22 S. R. 1 E., W. M.

*This certificate is issued to supersede certificate
of water right recorded on page 44952 Volume 37 SRWRC
so as to correctly describe the number of acres irrigated*

*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 Water Resources Director, affixed

this date November 28, 1977.

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 37, page 44952

46673

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF GEORGE W. AND BARBARA P. PEARSON)
AND MARTHA P. BROOKS FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 3508

On January 14, 1977, George W. and Barbara P. Pearson and Martha P. Brooks filed an application in the office of the Water Resources Director for approval of a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

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Water for the said right is diverted from a point located 1445 feet North and 288 feet East from the Southwest corner of Section 33, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 33 South, Range 1 East, W.M.

The applicants herein, owners of the lands above described, propose to change, without loss of priority, the point of diversion for said lands to a point located 500 feet South and 1500 feet West from the East quarter-corner of Section 32, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 33 South, Range 1 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of February 4, 11 and 18, 1977.

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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 requested change in point of diversion from Rogue River described herein, without loss of priority, is approved.

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 under the subject right, and shall not exceed 0.14 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 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 construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to J. S. and Eliza Tucker and recorded at Page 15827, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of

completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 12th day of April, 1977.

/s/ JAMES E. SEXSON
Director

NOTICE OF WATER RIGHT
TRANSFER APPLICATION NO. 3508
FOR CHANGE

IN POINT OF DIVERSION

Notice is given hereby that George W. and Barbara P. Pearson and Martha P. Brooks have filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from Rogue River.

Certificate of water right recorded at Page 15827, Vol. 13, State Record of Water Right Certificates, in the name of J. S. and Eliza Tucker, describes an existing right of record which includes the use of not to exceed 0.14 cubic foot per second from Rogue River for irrigation of 3.0 acres in NE 1/4 SE 1/4 and 4.0 acres in NW 1/4 SE 1/4 of Section 32, Township 33 South, Range 1 East, W.M., with a date of priority of 1880.

Water for the said right is diverted from a point located 1445 ft. N. and 288 ft. E. from the SW cor. of Sec. 33, being within the NW 1/4 SW 1/4, Sec. 33, T. 33 S., R. 1 E., W.M.

The applicants herein, owners of the lands above described, propose to change, without loss of priority, the point of diversion for said lands to a point located 500 ft. S. and 1500 ft. W. from the E. 1/4 corner of Sec. 32, being within the NW 1/4 SE 1/4 of Sec. 32, T. 33 S., R. 1 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on Mar. 31, 1977, 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 George W. and Barbara P. Pearson and Martha P. Brooks, c/o Martha P. Brooks, Obsolete J Ranch, Trill, Oregon 97541, and one copy filed with the Water Resources Department, Salem, Oregon, 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 25th day of January, 1977.

JAMES E. SEXSON
Director

Affidavit of Publication

State of Oregon,
County of Jackson

ss.

1. Sharon J. Morris, being first duly

sworn, depose and say that I am the _____
OWNER, EDITOR, PUBLISHER, MANAGER.

Principal Clerk

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state:

that the Notice of Water Right Transfer

Application No. 3508

_____ 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 Feb. 4, 11, 18, 1977
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sharon J. Morris

Subscribed and sworn to before me this 18th day of Feb., 1977

James J. Osborn
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1977