

3494

3494 Josephine County
by Board of County Commissioners
Courtroom, Grants Pass

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in point of diversion & place of use
 Date filed 11-26-76
 Date of hearing 2-3-77
 Place of hearing Grants Pass
 Date of order 3-1-77 Vol. 28, page 340
 Date for application of water 10-1-78
 Proof mailed **JAN 17 1997**
 Proof received _____
 Certificate issued **MAR 31 1997** Vol. _____, page 74212

Name of stream Rogue River
 Trib. of _____ County of Josephine
 Use irrigation
 Quantity of water _____ No. of acres 19^a
 Name of ditch _____
 Date of priority _____
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 19115 Per. No. 14720 Cert. No. 14380
 Certificate cancelled _____
 Notation made on record by _____

Date	Amount	Receipt No.
11-26-76	35.00	56985
11-26-76	55.00 p.m.	56986
2/22/76	10.00	58407
TOTAL		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
1-7-77	7.95	1061

1-7-77
 Paid newspaper
 Courier Publ. Co. \$ 47.05
 ck. # 1060

REMARKS

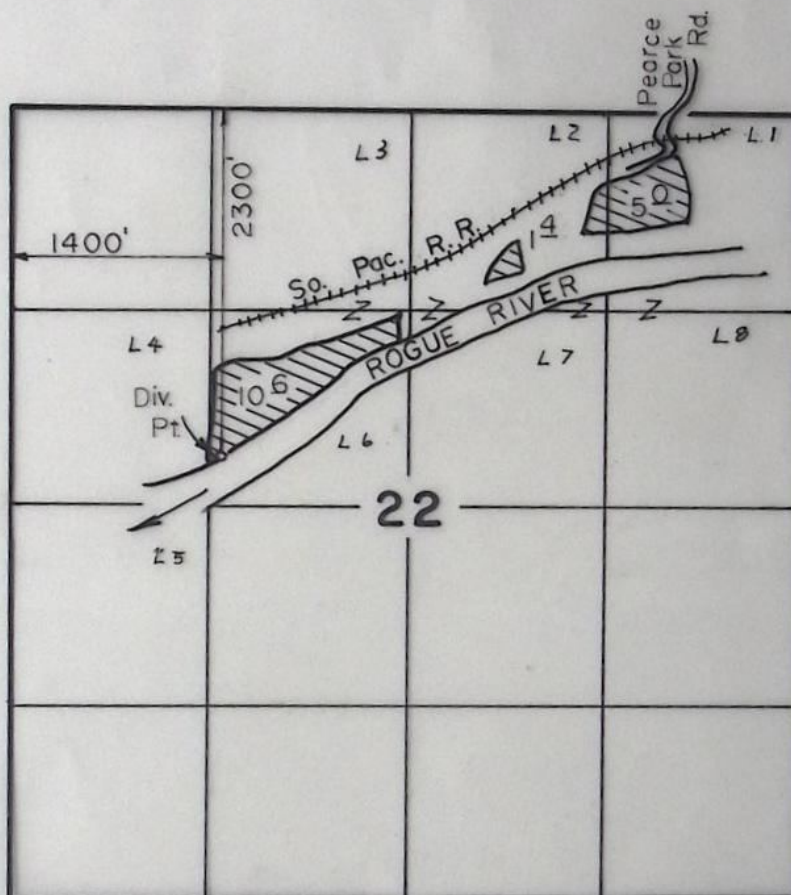
Fees Exam 20-
 PCD 15-
 PCH 10-
 \$ 45.00

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
Name	✓	
Stream	✓	
Pt. of Div.	✓	
Calendar	✓	
CHECKED TO RECORDS:		
Twp. & Rge.	GLS	
Decree-vault		
Decree-safe		
Cert. of W/R	✓	
Per. Folder	✓	
Chaindex		
Cross Ref.		
Power Claim		
Abstracts	✓	

CCB

T. 36 S., R. 5 W., W.M.



Scale: 1" = 1320'

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3494

Application No. Permit No.
IN NAME OF

JOSEPHINE CO. PARKS DEPT.

Surveyed JUL 9 1987, by B.S. JAMES.

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That . TOM R. PEARCE

of Grants Pass, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rogue River a tributary of for the purpose of Irrigation

under Permit No. 14720 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 December 26, 1940

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 0.24 cubic foot per second,

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 $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 36 South, Range 5 West, W. M.

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-eightieth 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 $4\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season from April 2 to October 31 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:

4 acres in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
15 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
Section 22,
T. 36 S., R. 5 W., W. M.

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 22nd day of June, 1942.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 14330.

T# 3494

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF JOSEPHINE COUNTY FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION AND PLACE OF USE OF WATER)
FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 3494

On November 26, 1976, Josephine County filed an application in the office of the Water Resources Director for the approval of changes in point of diversion and place of use of water from Rogue River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 14330, Volume 12, State Record of Water Right Certificates, in the name of Tom R. Pearce describes an existing right of record for the use of not to exceed 0.24 cubic foot per second from Rogue River for irrigation of a certain 15.0 acres in Lot 1 ($NE\frac{1}{4} NE\frac{1}{4}$) and 4.0 acres in Lot 2 ($NW\frac{1}{4} NE\frac{1}{4}$) of Section 22, Township 36 South, Range 5 West, W.M., with a date of priority of December 26, 1940.

Water for the said right is diverted from a point located 700 ft. S. and 200 ft. E. from the Northwest corner of Section 23, being within the $NW\frac{1}{4} NW\frac{1}{4}$ of Section 23, Township 36 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the place of use and point of diversion and to sever the right therefrom and in lieu thereof irrigate a certain 5.5 acres in $NE\frac{1}{4} NE\frac{1}{4}$, 6.5 acres in $NW\frac{1}{4} NE\frac{1}{4}$ and 7.0 acres in $SE\frac{1}{4} NW\frac{1}{4}$, Section 22, Township 36 South, Range 5 West, W.M., from a point of diversion located 1000 feet South and 70 feet East from the Northwest corner of the $SE\frac{1}{4} NW\frac{1}{4}$ of Section 22, being within the $SE\frac{1}{4} NW\frac{1}{4}$ of Section 22, Township 36 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.510 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 December 9, 16 and 23, 1976.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a statement to the effect that the proposed changes in point of diversion and place of use may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in point of diversion and place of use of water 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, and shall not exceed 0.24 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 the construction work shall be completed, the change in point of diversion of water made and said water so transferred applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Tom R. Pearce and recorded at Page 14330, Volume 12, State Record of Water Right Certificates, is canceled, 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 Josephine County.

Dated at Salem, Oregon, this 1st day of March, 1977.

/s/ JAMES E. SEXSON
Director

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOSEPHINE COUNTY PARKS DEPT.
CITY HALL, 101 NW "A" ST.
GRANTS PASS, OR 97526

confirms the right to use the waters of ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATING 17.0 ACRES.

This right was perfected under Permit 14720. The date of priority is DECEMBER 26, 1940. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.21 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 3 (SE 1/4 NW 1/4), SECTION 22, T 36 S, R 5 W.; 2300 FEET SOUTH AND 1400 FEET EAST FROM THE NW CORNER OF SECTION 22.

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-EIGHTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season FROM APRIL 2 TO OCTOBER 31 OF EACH YEAR.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

LOT 1 (NE 1/4 NE 1/4)	5.0 ACRES
LOT 2 (NW 1/4 NE 1/4)	1.4 ACRES
LOT 3 (SE 1/4 NW 1/4)	10.6 ACRES
SECTION 22	
TOWNSHIP 36 SOUTH, RANGE 5 WEST, W.M.	

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

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.

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 MARCH 1, 1977, and supersedes Certificate 14330, State Record of Water Right Certificates.

SEE NEXT PAGE

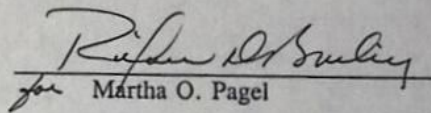
T-3494.KDD

The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water available at the original point of diversion and SHALL NOT EXCEED 0.21 CUBIC FOOT PER SECOND.

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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed MARCH 31, 1997.


for Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 74212.

LEGAL NOTICE

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO. 3494
FOR CHANGE IN PLACE
OF USE AND POINT
OF DIVERSION

Notice is given hereby that Josephine County has filed an application in the office of the Water Resources Director for the approval of a change in place of use and point of diversion from Rogue River.

Certificate of water right recorded at Page 14330, Volume 12, State Record of Water Right Certificates, in the name of Tom R. Pearce describes an existing right of record for the use of not to exceed 0.24 cubic foot per second from Rogue River for irrigation of a certain 15.0 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and 4.0 acres in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Sec. 22, T. 36 S., R. 5 W., W.M., with a date of priority of Dec. 26, 1940.

Water for the said right is diverted from a point located 700 ft. S. and 200 ft. E. from the NW corner of Sec. 23, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 23, T. 36 S., R. 5 W., W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the place of use and point of diversion and to sever the right therefrom and in lieu thereof irrigate a certain 5.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 36 S., R. 5 W., W.M., from a point of diversion located 1000 ft. S. and 70 ft. E. from the NW corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 22, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 22, T. 36 S., R. 5 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on February 3, 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 Josephine County, Josephine County Courthouse, Grants Pass, Oregon, 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 1st day of December, 1976.

JAMES E. SEXSON
Director

No. 20 - Thurs., Dec. 9, 16 & 23, 1976

AFFIDAVIT OF PUBLICATION

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 WATER RIGHT _____, a printed copy of

which is hereto annexed, was published in the entire issue of said newspaper for _____ successive and consecutive weeks in the following issues _____ December 9, 16, and 23, 1976

Subscribed and sworn to before me this _____ day of December, 1976

Kathleen Zahner
Notary Public of Oregon.

My commission expires _____ day of February, 1980

ok JWC