

3115 Alberk Perry  
Grants Pass, Or.  
311 S. W. R.

3115

### STATUS OF APPLICATION

Change in point of diversion  
Date filed 8-16-74  
Date of hearing 2-5-76  
Place of hearing Grants Pass  
Date of order 2-17-76 Vol. 26, page 387  
Date for application of water 10-1-76  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued AUG 30 1976 Vol. 35, page 43596

OCT 20 1979 42 Survey 8/76 48677

### DESCRIPTION OF WATER RIGHT

Name of stream Slate Creek  
Trib. of \_\_\_\_\_ County of Josephine  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 6<sup>0</sup>  
Name of ditch Sheehan Ditch  
Date of priority 1908  
In name of N.A. McLead  
Rogue River Adjudication, Vol. 13, page 415  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 32929  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

### FEES PAID

Date	Amount	Receipt No.
<u>8-16-74</u>	<u>45.00 P.O.N.</u>	<u>42531</u>
<u>8-16-74</u>	<u>30.00</u>	<u>42530</u>
TOTAL . . .	<u>\$ 75.00</u>	<u>FROM P.O.N. 42531</u>
<u>1-23-76</u>	<u>Cert. Fee 2.50</u>	

### FEES REFUNDED

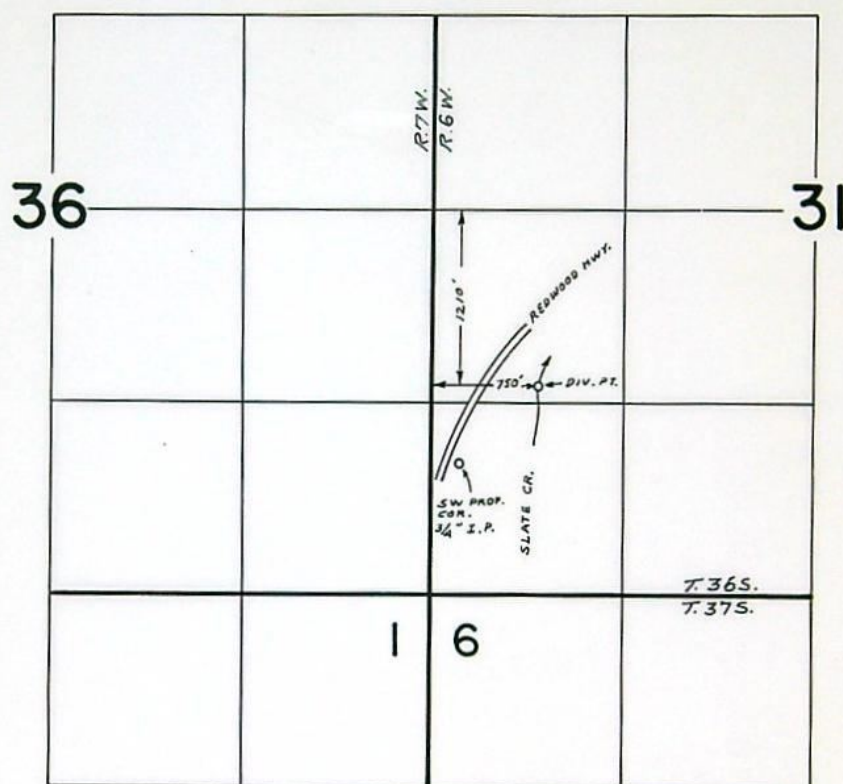
Date	Amount	Check No.
<u>10/10/80</u>	<u>2.00</u>	<u>4415 (Cert. fee)</u>

### REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>AW</u>	<u>  </u>
<input checked="" type="checkbox"/> Stream	<u>AW</u>	<u>  </u>
<input checked="" type="checkbox"/> Pt. of Div.	<u>  </u>	<u>  </u>
<input checked="" type="checkbox"/> Calendar	<u>WH</u>	<u>  </u>
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>AW</u>	<u>  </u>
<input checked="" type="checkbox"/> Decree-vault	<u>AW</u>	<u>  </u>
<input checked="" type="checkbox"/> Decree-safe	<u>AW</u>	<u>  </u>
<input checked="" type="checkbox"/> Cert. of W/R	<u>AW</u>	<u>  </u>
<input type="checkbox"/> Per. folder	<u>  </u>	<u>  </u>
<input type="checkbox"/> Chainindex	<u>  </u>	<u>  </u>
<input type="checkbox"/> Cross Ref.	<u>  </u>	<u>  </u>
<input type="checkbox"/> Power Claim	<u>  </u>	<u>  </u>
<input type="checkbox"/> Abstracts	<u>  </u>	<u>  </u>



T. 36 & 37 S., R. 6 & 7 W., W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 3115

Application No. .... Permit No. ....

IN NAME OF

ALBERT PERRY

Surveyed JUL 31 1978, by B. SUND



## STATE OF OREGON

COUNTY OF

JOSEPHINE

Superseded by

S. E. No. 126, 287

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That H.T. AND MARY LEE FLOWERS  
~~H. A. MCLEOD,~~

~~7141~~ REDWOOD HIGHWAY

of Grants Pass

, State of Oregon 97526, has a right

to the use of the waters of Slate Creek

a tributary of Applegate River  
 irrigation of ~~8.0~~ acres

for the purpose of

6.0 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 1908;

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~~ <sup>0.12</sup> cubic foot per second. if AVAILABLE AT THE ORIGINAL POINT OF DIVERSION ~~SHEEHAN~~ SHEEHAN Ditch, SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 1, T. 37 S., R. 7 W., W.M., 20 feet North and 580 feet West from Center of Section 1

The point of diversion is located in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 31, T. 37 S., R. 6 W., W.M. 120 feet South and 750 feet East from NW corner Section 31

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

2.0 acres in NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
 4.0 acres in SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
 Section 31,  
 T. 36 S., R. 6 W., W.M.

2.0 acres in NW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
 Section 6,  
 T. 37 S., R. 6 W., W.M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered Feb. 17, 1976 and together with certificate of water right recorded on Page 43596, Volume 35, SRWRC supersedes certificate of water right recorded on Page 32929, Volume 24, SRWRC.

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

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, 1966.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32929

48677



## STATE OF OREGON

COUNTY OF JOSEPHINE

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That N. A. MCLEOD,

of Grants Pass, State of Oregon, has a right  
to the use of the waters of Slate Creeka tributary of Applegate River  
irrigation of ~~2.0~~ <sup>3.0</sup> 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 1908;

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.

0.04

The point of diversion is located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 1, T. 37 S., R. 7 W., W.M.

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

~~2.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$~~   
~~4.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$~~   
~~Section 31,~~  
~~T. 36 S., R. 6 W., W.M.~~

2.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$   
 Section 6,  
 T. 37 S., R. 6 W., W.M.

An order of the Water Resources Director entered February 17, 1976 approved a change in point of diversion for the irrigation of ~~2.0~~ <sup>6.0</sup> acres. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to N. A. McLeod recorded at page 32929 <sup>Vol. 24</sup>, State Record of Water Right Certificates.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32929



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION OF )  
ALBERT PERRY FOR THE APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER FROM SLATE CREEK )

ORDER APPROVING  
TRANSFER NO. 3115

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On August 16, 1974, Albert Perry filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Slate Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to N.A. McLeod and recorded at Page 32929, Volume 24, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.16 cubic feet per second of water from Slate Creek for the irrigation of, among other lands, 2.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 4.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 31, Township 36 South, Range 6 West, W.M., with a date of priority of 1908. These lands are irrigated by means of the Sheehan Ditch from a point of diversion located 20 feet North and 580 feet West from the center corner of Section 1, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 1, Township 37 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 1200 feet South and 770 feet East from the West quarter-corner of Section 31, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 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 point of diversion of water, if any there were, namely:



at the county courthouse in Grants Pass, Oregon, on February 5, 1976 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 December 12, 19 and 26, 1976. 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 Slate Creek, to wit:

From a point located 20 feet North and 580 feet West from the center corner of Section 1, being within the  $SE\frac{1}{4}$   $NW\frac{1}{4}$  of Section 1, Township 37 South, Range 7 West, W.M.

To a point to be located 1200 feet South and 770 feet East from the West quarter-corner of Section 31, being within the  $NW\frac{1}{4}$   $SW\frac{1}{4}$  of Section 31, Township 36 South, Range 6 West, W.M.

for the irrigation of 2.0 acres in  $NW\frac{1}{4}$   $SW\frac{1}{4}$  and 4.0 acres in  $SW\frac{1}{4}$   $SW\frac{1}{4}$ , Section 31, Township 36 South, Range 6 West, W.M., with a date of priority of 1908, 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 0.12 cubic feet 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 certificate of water right heretofore issued to N.A. McLeod and recorded at Page 32929, Volume 24, 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 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 Albert Perry confirming the change in point of diversion.

Dated at Salem, Oregon, this 17th day of February, 1976.

James E. Sexson  
Director



# LEGAL NOTICE

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

Notice is given hereby that Albert Perry has filed an application for the approval of a change in point of diversion of water from Slate Creek.

Certificate of water right issued to N. A. McLeod and recorded at page 32929, Volume 24, State Record of Water Right Certificates, confirms a right to the use of 0.16 cubic foot per second from Slate Creek for the irrigation of, among other lands, 2.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 4.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 31, T. 36 S., R. 6 W., W.M., with a date of priority of 1908. Water for this use is diverted from a point located 20 ft. N. and 580 ft. W. from the center corner of Sec. 1, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 1, T. 37 S., R. 7 W., W.M.

The applicant herein, owner of the land above described, proposes to irrigate these lands from a point of diversion to be located 1200 ft. S. and 770 ft. E from the West  $\frac{1}{4}$  corner of Sec. 31, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 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 February 5, 1976, 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 Albert Perry, 311 SW "K" St., Grants Pass, Or., 97526, 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 objections are 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 8th day of December, 1975.

JAMES E. SEXSON  
Director

No. 50-Fri., Dec. 12, 19 & 26, 1975

## AFFIDAVIT OF PUBLICATION

JAN 2 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon }  
County of Josephine } ss.

I, Charles J. Moore, 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 December 12, 19, and 26, 1975

Charles J. Moore  
Subscribed and sworn to before me this 26th day of December, 19 75.

James E. Sexson  
Notary Public of Oregon.  
My commission expires 4th day of February, 19 76.