

3730

Name Thomas Alfson

By _____

Address 5151 Caves Highway
Cave Junction, OR 97523Change in P.O.D.Date filed 7-13-77

Date of hearing _____

Place of hearing _____

Date of order 3-30-78 Vol. 30, page 510Date for application of water completed

Proof mailed _____

Proof received _____

Certificate issued MAY 1 1978 Vol. 38^{OK}, page 45513^{OK}
JAN 21 1980 42 48881
to survey 4/78

DESCRIPTION OF WATER RIGHT

Name of stream Kelly CreekTrib. of _____ County of JosephineUse Irr.

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority Oct. 26, 1925

In name of _____

_____ Adjudication, Vol. _____, page _____

App. No. 10440 Per. No. 6982 Cert. No. 43771

Certificate cancelled _____

Notation made on record by _____

REMARKS

FEES PAID

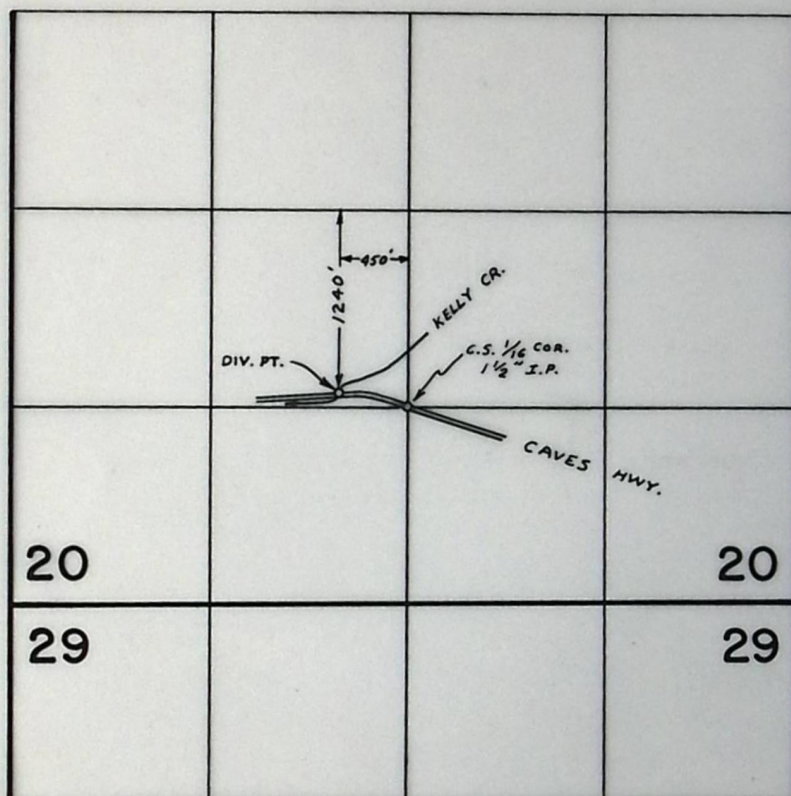
Date	Amount	Receipt No.
<u>7-13-77</u>	<u>\$ 35.00</u>	<u>62455</u>
TOTAL . . .		
<u>3-31-78</u>	<u>2⁰⁰ Cert. Fee</u>	<u>1885</u>

FEES REFUNDED

Date	Amount	Check No.

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
☒	Name		<u>lg</u>	_____
☒	Stream		<u>lg</u>	_____
☒	Pt. of Div.		<u>lg</u>	_____
☒	Calendar		<u>lg</u>	_____
☒	Twp. & Rge.		<u>lg</u>	_____
☐	Decree-vault		_____	_____
☐	Decree-safe		_____	_____
☒	Cert. of W/R		<u>✓</u>	_____
☒	Per. Folder		<u>✓</u>	_____
☐	Chaindex		_____	_____
☐	Cross Ref.		_____	_____
☒	Power Claim		<u>lg</u>	_____
☒	Abstracts		<u>lg</u>	_____

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



FINAL PROOF SURVEY
UNDER

Transfer No. 3730

Application No. _____ Permit No. _____
IN NAME OF

THOMAS ALFSEN

Surveyed AUG. 3 1978, by B. SUND

3231-3239 8X CMT

SP-12954-600
Refund \$200.71
Receipt 1085

STATE OF OREGON

COUNTY OF

JOSEPHINE

FICHE 38
CERTIFICATE NO. 45513

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

~~ROBERT WILSON, THOMAS ALFSEN,~~
~~NORBERT POTH, AND LORNA BYRNE~~

5151 CAVES HIGHWAY

of ~~411 5th Street, Oregon City~~ CAVE JUNCTION, State of Oregon, 97045⁵²³, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Kelly Creeka tributary of East Fork Illinois River
irrigation of ~~9.7~~ acres
3.9

for the purpose of

under Permit No. 6982 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 October 26, 1925

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 ~~0.115~~ cubic foot per second if available at the original points of diversion,
0.05
NE 1/4 SW 1/4, 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 NE 1/4 SW 1/4; NW 1/4 SE 1/4, Section 20, T. 39 S., R. 7 W., W. M., 1240 feet South and 450 feet West from the center, 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-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation,

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:

0.2 acre NE 1/4 SW 1/4
3.79-0 acres SE 1/4 SW 1/4
Section 20
T. 39 S., R. 7 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered MARCH 30, 1978 and together with certificate of water right recorded on Page 45513, Volume 38, SRWRC supersedes certificate of water right recorded on Page 43771, Volume 35, SRWRC.

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

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. October 18, 1976

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 35, page 43771

c-48881

T# 3730

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF THOMAS ALFSEN FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM KELLY CREEK)

ORDER APPROVING
TRANSFER NO. 3730

On July 13, 1977, an application was filed in the office of the Water Resources Director by Thomas Alfson for approval of a change in point of diversion from Kelly Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 43771, Volume 35, State Record of Water Right Certificates, in the names of Robert Wilson, Thomas Alfson, Norbert Poth and Lorna Byrne, describes a right which includes the use of not to exceed 0.05 cubic foot per second from Kelly Creek for irrigation of a certain 0.2 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 39 South, Range 7 West, W.M., with a date of priority of October 26, 1925.

The authorized point of diversion, of record, is located 100 feet South and 575 feet East from the Center Corner of Section 20, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 20.

The applicant herein, owner of the lands above described, proposes to change the point of diversion of record to a point now in use, located 1200 feet South and 350 feet West from the Center Corner of Section 20, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 20.

Mr. Robert B. Steimer, 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 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 requested change in point of diversion, as 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 0.05 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices;

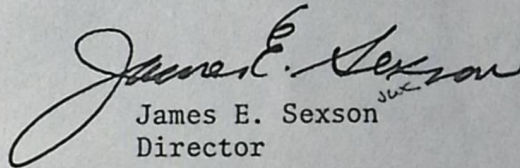
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 43771, Volume 35, 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 30th day of March, 1978.


James E. Sexson
Director