

3734

STATUS OF APPLICATION

Change in POD
Date filed 7-22-77
Date of hearing Sept. 28, 1977
Place of hearing Grants Pass
Date of order 9-30-77 Vol. 29, page 393
Date for application of water Completed
Proof mailed _____
Proof received _____
Certificate issued DEC 19 1977 Vol. 37, page 450
OCT 26 1987 52 56
Surveyed 7-27-82 (Norman)

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
Trib. of _____ County of Josephine
Use Irr
Quantity of water _____ No. of acres _____
Name of ditch N. Applegate Ditch Co.
Date of priority _____
In name of _____
_____ Adjudication, Vol. 13, page 311
16 523
App. No. — Per. No. — Cert. No. 34847
T# P-87
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
7-22-1977	\$35.00	62678
8-1-77	50.00	62870
TOTAL . . .		
8-31-77	\$2 ⁰⁰ Cert. Fee	62678
Pd. Courier Publ. Co., ck. # 1476 (\$49.50) 8/31/77		

FEES REFUNDED

Date	Amount	Check No.

REMARKS

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

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF)
ELTON JOE WORMAN FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM APPLGATE RIVER)

ORDER APPROVING
TRANSFER NO. 3734

On July 22, 1977, an application was filed in the office of the Water Resources Director by Elton Joe Worman for 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 recorded at page 34847, Volume 26, State Record of Water Right Certificates, in the name of Emil Gentner, describes a right which includes the use of not to exceed 0.496 cybic foot per second from Applegate River for irrigation of 1.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.5 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.14 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 15.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 5.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 37 South, Range 5 West, W.M., with a date of priority of February, 1899.

The order of the State Engineer issued February 6, 1968, approving water right transfer application No. P-87 authorizes the use of water from Applegate River for irrigation of certain lands including 10.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.8 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27, with a date of priority of February, 1899.

Water for the said rights is diverted, through the Northside Ditch, from a point located 640 feet South and 200 feet West from the Northeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, Township 38 South, Range 4 West, W.M.

The applicant herein, owner of all of the lands above described, proposes

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P393-375

to change the point of diversion therefrom, without loss of priority, to a point located 50 feet South and 50 feet East from the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 37 South, Range 4 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 August 8, 15 and 22, 1977.

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 rights.

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 no time need be fixed for completion as the

change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Emil Gentner and recorded at page 34847, Volume 26, 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 September, 1977.

/s/ James E. Sexson
Director

STATE OF OREGON

COUNTY OF

JOSEPHINE

SUPERSEDED
CERTIFICATE NO.

45063

CERTIFICATE OF WATER RIGHT

MILTON HILL

This Is to Certify, That EDIL GENTNER

8174 North Applegate Road

Grants Pass

97526

of R.P.D. No. 1, Murphy

, State of Oregon

, has a right

to the use of the waters of Applegate River

a tributary of Rogue River 34.84 acres
irrigation of 36.1 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 February, 1899

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 0.514 cubic foot per second, if available at the original point of diversion 0.496

The point of diversion is located in the SW 1/4 SW 1/4, Section 6, T. 38 S., R. 4 W., W. M. North Side Ditch - 640'S & 200'W from NE cor SW 1/4 SW 1/4 Sec 6
A description of the place of use under the right, and to which such right is appurtenant, is as follows:

1.20 acres SW 1/4 NE 1/4
2.30 acres SE 1/4 NW 1/4
0.50 acre NE 1/4 SW 1/4
4.14 4.6 acres NE 1/4 SE 1/4
15.4 acres NW 1/4 SE 1/4
5.76 acres SW 1/4 SE 1/4
5.60 6.4 acres SE 1/4 SE 1/4
Section 27
T. 37 S., R. 5 W., W. M.

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 Sept 30 1977 and together with certificate of water right recorded at page 45063, Volume 37, State Record of Water Right Certificates, supersedes certificate of water right recorded at page 34847, Volume 26, State Record of Water Right Certificates.

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.

THIS DATE MAY 2, 1968

, 1968 .

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34847

56500

2517D

T# 373-

POD: SW 1/4 SE 1/4 Sec 27, T 37 S RSW W M,
50'S & 50'E from NW cor SW 1/4 SE 1/4 Sec 27

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That EMIL GENTNER

of R.F.D. No. 1, Murphy
to the use of the waters of Applegate River

, State of Oregon, has a right

a tributary of Rogue River for the purpose of
irrigation of ~~36.1~~^{1.26} acres
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 February, 1899

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 ~~0.514~~ cubic foot per second.

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, T. 38 S., R. 4 W., W. M.

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

~~1.2 acres SW₄ NE₄ - 1.2~~
~~2.3 acres SE₄ NW₄ - 2.3~~
~~0.5 acre NE₄ SW₄ - 0.5~~
0.46 ~~4.6 acres NE₄ SE₄ - 4.14~~
~~15.4 acres NW₄ SE₄ - 15.4~~
~~5.7 acres SW₄ SE₄ - 5.7~~
0.8 ~~6.4 acres SE₄ SE₄ - 5.6~~

Section 27

T. 37 S., R. 5 W., W. M.

...1. ... a ... issued to Emil Gontner and recorded at page 32853.

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

WITNESS the signature of the State Engineer, affixed

this date, May 3, 1968, 1968.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34847

$$\begin{array}{r} 36.10 \\ 1.26 \\ \hline 34.84 \end{array} \quad \begin{array}{r} 0.514 \\ 0.018 \\ \hline 0.496 \end{array}$$

7-351

LEGAL NOTICE

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3734

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Elton Joe Worman for approval of a change of point of diversion from Applegate River.

Certificate recorded at page 34847, Volume 26, State Record of Water Right Certificates in the name of Emil Gentner, describes a right which includes the use of not to exceed 0.496 cubic foot per second from Applegate River for irrigation of 1.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.5 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.14 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 15.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 5.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, township 37 South, Range 5 West, WM, with a date of priority of February, 1899.

The order of the State Engineer issued February 6, 1968, approving water right transfer application No. P-87 authorizes the use of water from Applegate River for irrigation of certain lands including 10.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.8 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27, with a date of priority of February, 1899.

Water for the said rights is diverted, through the Northside Ditch, from a point located 640 ft. S and 200 ft. W from the NE corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 6, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 6, T 38 S, R 4 W, WM.

The applicant herein, owner of all of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 50 ft. S and 50 ft. E from the NE corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 27, being within ght SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 27, T 37 S, R 5 W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon on September 28, 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 Elton Joe Worman, 10561 N. Applegate Rd., Grants Pass, OR 97526 and one copy filed with the Water Resources Department, Salem, OR 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 2nd day of August, 1977.

James E. Sexson
Director

No. 26—Mon—August 8, 15 & 22,
1977

AFFIDAVIT OF PUBLICATION

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 WATER RIGHT TRANSFER 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 August 8, 1977, August 15, 1977 and August 22, 1977

Subscribed and sworn to before me this 22nd day of August, 19 77

Stachler Johnson
Notary Public of Oregon.

My commission expires 4th day of February, 19 80.