

Name Robert Lawrence Volkman

By _____

Address 530 Panther Gulch RoadWilliams Or. 97544Change in P O DDate filed June 26, 1978

Date of hearing _____

Place of hearing _____

Date of order 7-14-78 Vol. 31, page 54Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued AUG 10 1978 Vol. 38, page 46194NOV 29 1979 42 48722

DESCRIPTION OF WATER RIGHT

Name of stream Panther Gulch CreekTrib. of _____ County of JosephineUse irrigationQuantity of water _____ No. of acres 6.0Name of ditch Fiddler Dth.Date of priority Feb. 1, 1880In name of J.F. SparlinRogue River Adjudication, Vol. 4, page 29App. No. _____ Per. No. _____ Cert. No. 16374

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-26-78</u>	<u>35.00</u>	<u>4393</u>
TOTAL . . .		
<u>7-5-78</u>	<u>\$2 Cert. Fee</u>	<u>4655</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

W.R.I.S.

Assembled 6-12-85 by SDA

Entered _____ by _____

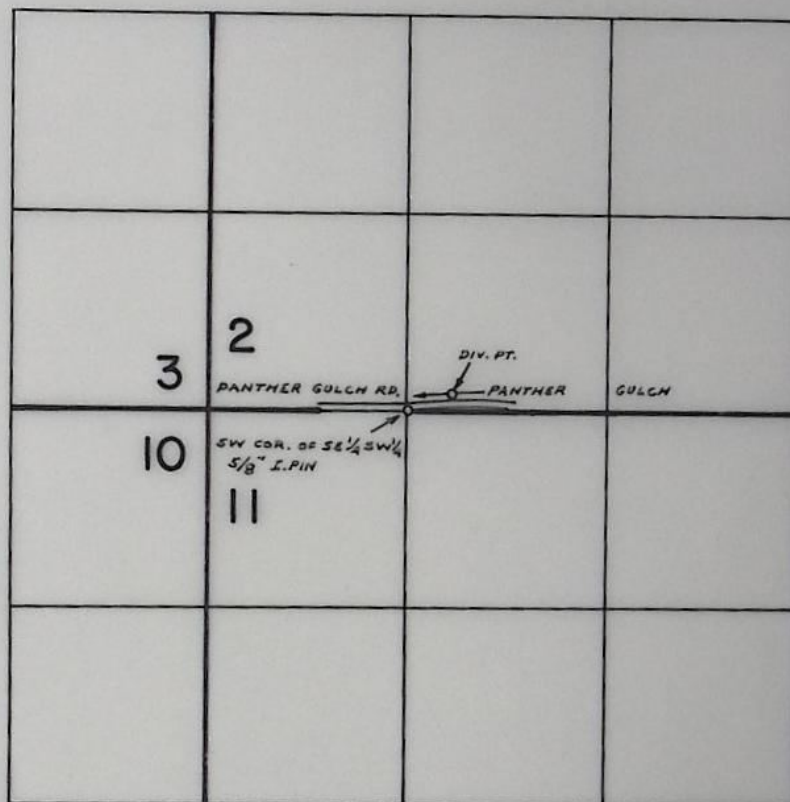
Verified _____ by _____

INDEX CARDS: Entered Checked

✓	Name	<u>lg</u>	_____
✓	Stream	<u>lg</u>	_____
✓	Pt. of Div.	<u>lg</u>	_____
✓	Calendar	<u>lg</u>	_____
✓	CHECKED TO RECORD:		
✓	Twp. & Rge.	<u>lg</u>	_____
✓	Decree-vault	<u>WIB</u>	_____
✓	Decree-safe	<u>lg</u>	_____
✓	Cert. of W/R	<u>WIB</u>	_____
	Per. Folder	_____	_____
	Chaindex	_____	_____
	Cross Ref.	_____	_____
	Power Claim	_____	_____
✓	Abstracts	<u>lg</u>	_____

TO BE ENTERED WHERE CHECKED

T. 39 S., R. 5 W., W.M.



DIV. PT. LOC.: 110° N. $\frac{1}{2}$ 280° E. FROM SW COR. OF SE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SEC. 2

FINAL PROOF SURVEY
UNDER

Transfer No. 3984

Application No. _____ Permit No. _____

IN NAME OF

ROBERT L. VOLKMAN

Surveyed NOV. 8 78 by B. SUND
19.....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROBERT LAWRENCE VOLKMAN FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3984

On June 26, 1978, an application was filed in the office of the Water Resources Director by Robert Lawrence Volkman for approval of a change in point of diversion from Panther Gulch, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16374, Volume 13, State Record of Water Right Certificates, in the name of I. F. Sparlin, describes a right which includes the use of not to exceed 0.09 cubic foot per second from Panther Gulch for irrigation of 6.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 39 South, Range 5 West, W.M., with a date of priority of February 1, 1880.

Water for the said right is diverted, through the Fiddler Ditch, from a point located 100 feet North and 650 feet East from the Southwest Corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 39 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 100 feet North and 220 feet East from the Southwest Corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 39 South, Range 5 West, W.M.

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 0.09 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:

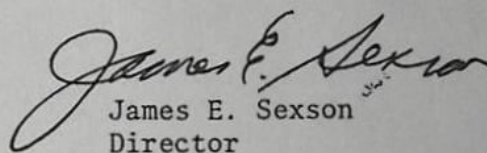
That the diversion works shall include an in line flow meter, a weir or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to I. F. Sparlin and recorded at page 16374, 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 14th day of July, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ROBERT LAWRENCE VOLKMAN

of 530 Panther Gulch Road, Williams, State of Oregon 97544, has
a right to the use of the waters of Panther Gulch

a tributary of Williams Creek for the purpose of
irrigation of 6.0 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 WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from February 1, 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 0.09 cubic foot per second, if available at the original point of diversion, Fiddler Ditch - SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T. 39 S., R. 5 W., W.M., 100 feet North and 650 feet East from the SW Corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2

The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, T. 39 S., R. 5 W., W.M., 110 feet North and 280 feet East from the SW Corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2

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

6.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 2
T. 39 S., R. 5 W., W.M.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered July 14, 1978, and together with certificate of water right recorded at page 46194, Volume 38, State Record of Water Right Certificates supersedes certificate of water right recorded at page 16374, Volume 13, State Record of Water Right Certificates.

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 Water Resources Director, affixed

this date November 29, 1979.

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42, page 48722

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That I. F. Sparlin

of said Williams, Oregon, State of Oregon 92547, has a right to the use of
the waters of Panther Gulch, a tributary of Williams Creek
for the purpose of irrigation of 33 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 4, at page 1; that the priority of the right thereby confirmed dates from Feb. 1, 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 0.48 cubic foot 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:

19.25 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ — 6.9
8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 2,
T. 39 S., R. 5 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 16374, Volume 13, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 17, 1978, approving transfer application No. 3984.

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 30 day of September, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16374

C-46194