

3567  
GORDON DAY

3567

STATUS OF APPLICATION

Change in point of diversion  
Date filed 3-7-77  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 5-17-77 Vol. 29, page 34  
Date for application of water 10-1-78  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued NOV 28 1977 Vol. 37, page 44961  
JUL 3 1979 41 48260  
5-23-79 lost

DESCRIPTION OF WATER RIGHT

Name of stream Jump Off Joe Creek  
Trib. of \_\_\_\_\_ County of Josephine  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority \_\_\_\_\_  
In name of \_\_\_\_\_  
Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 32722 Per. No. 25890 Cert. No. 41610  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>3/7/77</u>	<u>\$35.00</u>	<u>58808</u>
TOTAL . . .		
<u>5-4-77</u>	<u>\$2 Cert. Fee</u>	<u>60196</u>
<u>5-4-79</u>	<u>\$2.00</u>	<u>10720</u>

FEES REFUNDED

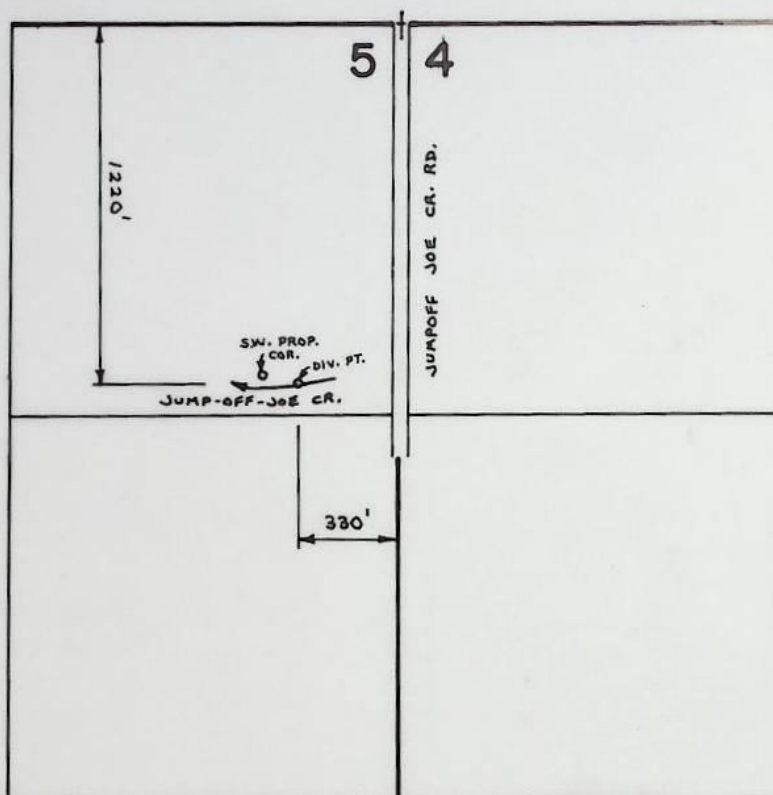
Date	Amount	Check No.
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REMARKS

W.R.I.S.	
Assembled <u>7-24-85</u> by <u>SGM</u>	
Entered _____ by _____	
Verified _____ by _____	

INDEX CARDS:	Entered	Checked
<u>WR</u> Name	<u>✓</u>	_____
<u>WR</u> Stream	<u>✓</u>	_____
<u>WR</u> Pt. of Div.	<u>✓</u>	_____
<u>WR</u> Calendar	<u>✓</u>	_____
CHECKED TO RECORDS:		
<u>0</u> Twp. & Rge.	_____	_____
Decree-vault	_____	_____
Decree-safe	_____	_____
<u>✓</u> Cert. of W/R	<u>✓</u>	_____
<u>✓</u> Per. Folder	<u>✓</u>	_____
Chaindex	_____	_____
Cross Ref.	_____	_____
<u>✓</u> Power Claim	<u>✓</u>	_____
Abstracts	<u>✓</u>	_____

T. 35 S., R. 5 W., W.M.



SCALE : 1" = 660 FT.

**FINAL PROOF SURVEY**  
UNDER

Transfer No. 3567

Application No. .... Permit No. ....  
IN NAME OF

GORDON H. DAY

Surveyed SEPT. 25 1978, by B. SUND

D.H.M.

P.T.S.-1978-14-C



## STATE OF OREGON

COUNTY OF

JOSEPHINE

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

FREDERICK GEORGE FUDGE &amp; HARRY A. SMITH

of 3886 Winona Rd., Grants Pass, State of Oregon, 97526, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of ~~Jump Off Joe~~ Creek

Jump Off Joe

a tributary of Rogue River  
irrigation of ~~33.37~~ acres

29.37

for the purpose of

under Permit No. 25890 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 27, 1958

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 ~~0.54~~ cubic foot per second

0.40

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 4, T. 35 S., R. 5 W., W. M., 1250 feet South and 320 feet East from the NW Corner, Section 4, 680 feet South and 80 feet East from the NW Corner, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5

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-fortieth 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 of each year; and is subject to a stipulation with the Oregon State Game Commission recorded at page 52 and 53, Volume 4 Miscellaneous Records of the Water Resources Department.

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:

32.7 4.77 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 32  
T. 34 S., R. 5 W., W. M.

13.60 20.60 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 5  
0.90 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
7.20 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
0.40 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 5  
T. 35 S., R. 5 W., W. M.

44961

This certificate describes that portion of the water right confirmed by prior certificate 41610, NOT modified by the provisions of an order entered on May 17, 1977, approving transfer application No. 3567. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

11-23-82

15092

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. November 23, 1977

James E. Sexson

Water Resources Director

52993

T-5092



## STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE NO. 44961

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

~~Gordon H. Day~~ Lary Gladhast  
~~FREDERICK GEORGE FUDGE & HARRY A. SMITH~~

of 4181 Jump-Off-Joe Creek Ro. 97526, 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  
Jump-Off-Joe Creek

a tributary of Rogue River  
irrigation of 44.9 acres  
11.03

for the purpose of

under Permit No. 25890 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 October 27, 1958

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  
0.72 cubic foot per second, if available at the original diversion point; NW 1/4 NW 1/4 Sec 4  
0.18

T35S R5W NW 1/4, 1250'S & 320'E from the NW cor Sec 4

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 1/4 NW 1/4, Section 4, T. 35 S., R. 5 W., W. M.,  
1250 feet South and 320 feet East from NW Corner, Section 4, 680 feet South and  
80 feet East from NW Corner, NE 1/4 NE 1/4, Section 5.

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-fortieth of one cubic foot per second  
per acre its equivalent for each acre irrigated and shall be further limited to  
a diversion of not to exceed 4 1/2 acre feet per acre for each acre irrigated during  
the irrigation season of each year; and is subject to a stipulation with the  
Oregon State Game Commission recorded at page 52 and 53, Volume 4, Miscellaneous  
Records of the State Engineer, WRD Department

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:

1.43-6.2 acres SE 1/4 SE 1/4

Section 32

T. 34 S., R. 5 W., W. M.

9.6-30.2 acres NE 1/4 NE 1/4

0.9 acre NW 1/4 NE 1/4

7.2 acres SW 1/4 NE 1/4

0.4 acre SE 1/4 NE 1/4

Section 5

T. 35 S., R. 5 W., W. M.

~~This Certificate is issued to confirm a change in place of use and point of diversion~~

This certificate is issued to confirm a change in point of diversion approved  
by an order of the WRD entered MAY 17, 1977 and together with certificate  
of water right recorded on Page 44961, Volume 37, SRWRC supersedes  
certificate of water right recorded on Page 41610, Volume 33, SRWRC.

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

this date. February 4, 1975

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41610

48260  
T#3567

P.O.D. NE 1/4 NW 1/4 Sec 5, T. 35 S., R. 5 W., W. M.  
1220 ft S and 330 ft W from NE cor Sec 5



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)  
OF GORDON DAY FOR APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER FROM JUMP-OFF-JOE CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 3567

On March 7, 1977, an application was filed in the office of the Water Resources Director by Gordon Day 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.

The certificate recorded at Page 41610, Volume 33, State Record of Water Right Certificates, in the names of Frederick George Fudge and Harry A. Smith, describes a right which includes the use of not to exceed 0.18 cubic foot per second from Jump-Off-Joe Creek for irrigation of 1.43 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 32, Township 34 South, Range 5 West, W.M., and 9.6 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 5, Township 35 South, Range 5 West, W.M., with a date of priority of October 27, 1958.

Water for the said right is diverted from a point located 1250 feet South and 320 feet East from the Northwest corner of Section 4, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 35 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located 1120 feet South and 100 feet West from the Northeast corner of Section 5, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 5, Township 35 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 objection 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 0.18 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 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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Frederick George Fudge and Harry A. Smith and recorded at Page 41610, Volume 33, 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 17th day of May, 1977.

/s/ JAMES E. SEXSON  
Director



## STATE OF OREGON

COUNTY OF JOSEPHINE

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That FREDERICK GEORGE FUDGE &amp; HARRY A. SMITH

of 3886 Winona Road, 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  
Jump-Off-Joe Creek

a tributary of Rogue River for the purpose of  
irrigation of ~~44.9~~ acres

under Permit No. 25890 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 October 27, 1958

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

~~0.72~~ cubic foot per second  
0.54

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 4, T. 35 S., R. 5 W., W. M. S.  
1250 feet South and 320 feet East from NW Corner, Section 4, 680 feet South and  
80 feet East from NW Corner, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5.

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-fortieth 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 of each year; and is subject to a stipulation with the  
Oregon State Game Commission recorded at page 52 and 53, Volume 4, Miscellaneous  
Records of the State Engineer,  
Water Resources Department

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:

~~47~~ ~~6.2~~ acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 32  
T. 34 S., R. 5 W., W. M.

~~20~~ ~~30.2~~ acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
0.9<sup>0</sup> acre NW $\frac{1}{4}$  NE $\frac{1}{4}$   
7.2<sup>0</sup> acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
0.4<sup>0</sup> acre SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 5  
T. 35 S., R. 5 W., W. M.

~~0.72~~ ~~0.18~~ ~~0.54~~  
~~44.9~~ ~~11.03~~ ~~33.87~~

This certificate describes that portion of the water right confirmed by the prior  
certificate recorded at page 41610, Volume 33, State Record of Water Right  
Certificates, NOT modified by the provisions of an order of the Water Resources  
Director entered on May 17, 1977, approving transfer application No. 3567.

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

this date, February 4, 1975

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41610

T#3567