

3592

STATUS OF APPLICATION

Change in POU & POD
Date filed 3-17-77
Date of hearing 8-4-77
Place of hearing Medford
Date of order 9-12-77 Vol. 37, page 267
Date for application of water 10-1-79
Proof mailed MAR 18 1988
Proof received
Certificate issued NOV 28 1977 Vol. 37, page 44954
AUG 22 1986 Vol. 50, page 54819
2-1-80 Vol. 42 P 48962
5-2-80 Vol. 42 P 49186

DESCRIPTION OF WATER RIGHT

Name of stream Rogue River
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 11 2
Name of ditch _____
Date of priority _____
In name of _____
Adjudication, Vol. _____, page _____
App. No. 8726 Per. No. 5695 Cert. No. 43990
Certificate cancelled _____
Notation made on record by _____

REMARKS

F.P. Map in file G-6998

FEES PAID

| Date | Amount | Receipt No. |
|--|---------------|-------------|
| 3-17-77 | \$90.00 | 59105 |
| TOTAL . . . | | |
| 8-31-77 | \$2 Cert. Fee | 59105 |
| Pl. Medford Mail Tribune Co. Ch. # 1451 (\$32.85) 8/31/77 | | |

FEES REFUNDED

| Date | Amount | Check No. |
|----------------|---------|-----------|
| 8-31-77 | \$10.15 | 1450 |
| Rec'd | | 90- |
| Exam 20 | | |
| POD 15 | | |
| POU 10 | | |
| cert | | (45-) |
| PON | | (2-) |
| | | (32.85) |
| Refund \$10.15 | | ✓ |

| TO BE ENTERED WHERE CHECKED | INDEX CARDS: | Entered | Checked |
|-----------------------------|---------------------|---------|---------|
| ✓ | Name | lg | |
| ✓ | Stream | lg | |
| ✓ | Pt. of Div. | lg | |
| ✓ | Calendar | lg | |
| ✓ | CHECKED TO RECORDS: | | |
| ✓ | Twp. & Rge. | lg | |
| ✓ | Decree-vault | | |
| ✓ | Decree-safe | | |
| ✓ | Cert. of W/R | ✓ | |
| ✓ | Per. Folder | ✓ | |
| ✓ | Chalindex | | |
| ✓ | Cross Ref. | | |
| ✓ | Power Claim | | |
| ✓ | Abstracts | lg | |

Conflict in claimed acreage under C# 10523

T# 3423 Δ POD - Shugart

T# 3426 Δ POD - Collins

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This is to certify, ThatOREGON STATE PARKS & RECREATION DIV.
OREGON DEPARTMENT OF TRANSPORTATION

of 525 Trade St. SE, Salem, State of OR 97310, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
Rogue River

a tributary of Pacific Ocean for the purpose of
irrigation of 10.0 acres within Valley of the Rogue State Park

under Permit No. 5695 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
November 18, 1922

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
0.12 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of
diversion is located in the Lot 4 (SE 1/4 SW 1/4), Section 26, T36S, R4W,
WM; 1670 feet South and 1720 feet East from W 1/4 Corner, Section 26.

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 _____ of one cubic foot per second per
acre,

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:

4.8 acres Lot 4 (NE 1/4 SW 1/4)
5.2 acres Lot 4 (SE 1/4 SW 1/4)
Section 26
Township 36 South, Range 4 West, WM

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
September 12, 1977, and modified by an order entered October 26, 1979, and
together with certificate 48962 and orders of September 15, 1976, modified
October 26, 1979, supersedes certificate 43990.

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.

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 minimum flows established by the Water Resources Commission with an
effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. August 22, 1986

/s/ William H. Young

Water Resources Director

Superseded by

Cert. No.

43990

Spec. Or. V. 27 p. 429

(Tr. 3423)

Spec. Or. V. 27 p. 426

(Tr. 3426)

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CHAS. & LILLIAN L. SHELTON

of Eagle Point, 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 Rogue River and a spring

a tributary of Irrigation and domestic for the purpose of

under Permit No. 5695 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 November 18, 1922;

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 0.65 cubic foot per second.

The point of diversion is located in the ~~SW 1/4~~ ^{NW 1/4} of Section 27, Township 34 S, Range 1 W, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation, or any other purpose), is as follows:

5 acres in the NE 1/4 NE 1/4,
15 acres in the NW 1/4 NE 1/4,
20 acres in the SW 1/4 NE 1/4,
10 acres in the SE 1/4 NE 1/4,
Section 28,
Township 34 South, Range 1 West, W. M.

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer,

affixed this 14th day

of November, 1933

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 10, page 10523.

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CHAS. AND LILLIAN L. SHELTON

of Eagle Point, State of Oregon 97524, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a spring

a tributary of Rogue River for the purpose of domestic use for one family from the spring

under Permit No. 5695 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 November 18, 1922 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 0.05 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 34 S., R. 1 W., W.M., 1800 feet South and 1900 feet East from the NE Corner, Section 28

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 ----- of one cubic foot per second per acre,

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:

SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 28
T. 34 S., R. 1 W., W.M.

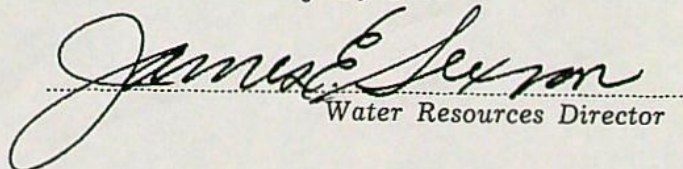
This certificate is issued to supersede certificate of water right recorded at page 44954, Volume 37, State Record of Water Right Certificates so as to correctly describe the quantity of water.

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. February 1, 1980


Water Resources Director

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

TRUMAN DEAN AND Z. IDELLE COLLINS

of 7185 Crowfoot, Trail, State of Oregon 97541, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Rogue River

a tributary of Pacific Ocean
irrigation of 33.0 acres

for the purpose of

under Permit No. 5695 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 November 18, 1922

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 0.396 cubic foot per second, if available at the original point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, T. 34 S., R. 1 W., W.M.; 350 feet South and 1838 feet West from the NE Corner, Section 28

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 7 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 28, T. 34 S., R. 1 W., W.M.; 780 feet North and 450 feet East from the SW Corner, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28

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:

SEE NEXT PAGE

5.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
5.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
13.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
10.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 28
T. 34 S., R. 1 W., W.M.

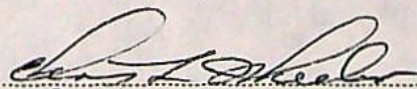
This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered October 26, 1979 and together with certificate of water right recorded at Page 48962, Volume 42, State Record of Water Right Certificates and two orders of the Water Resources Director entered October 26, 1969, supersedes certificate of water right recorded at Page 10523, Volume 10, 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.

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. May 2, 1980



Deputy Water Resources Director

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CHAS. AND LILLIAN L. SHELTON

of Eagle Point, State of Oregon, 97524, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of ~~Rogue River and a~~ spring

a tributary of ~~Pacific Ocean~~ Rogue River for the purpose of irrigation of ~~10 acres from Rogue River and~~ domestic use for one family from the spring

under Permit No. 5695 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 November 18, 1922

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 0.13 cubic foot per second

0.005

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the ~~Rogue River NW 1/4 NE 1/4, Section 28, T. 34 S., R. 1 W., W. M., 350 feet South and 1838 feet West from the NE Corner of Section 28; Spring SE 1/4 NW 1/4, Section 27, T. 34 S., R. 1 W., W. M., 1800 feet South and 1900 feet East from the NE Corner of Section 28.~~

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-eighth~~ of one cubic foot per second per acre,

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:

| | |
|-------------------------------------|---------------------------------------|
| Rogue River | Spring |
| 10.0 acres NW 1/4 NE 1/4 | Domestic Use SE 1/4 NE 1/4 |
| Section 28 | Section 28 |
| T. 34 S., R. 1 W., W. M. | T. 34 S., R. 1 W., W. M. |

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 43990, Volume 36, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Sept 12, 1977, approving transfer application No. 3592.

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

established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 23, 1976

James E. Saxson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36, page 43990

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CHAS. AND LILLIAN L. SHELTON

of Eagle Point, State of Oregon, 97524, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a spring

a tributary of Rogue River for the purpose of domestic use for one family from the spring

under Permit No. 5695 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 November 18, 1922

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

~~0.005~~ cubic foot per second

0.05

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 34 S., R. 1 W., W. M., 1800 feet South and 1900 feet East from the NE Corner, Section 28

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 _____ of one cubic foot per second per acre,

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:

SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 28
T. 34 S., R. 1 W., W. M.

This certificate is issued to supersede certificate of water right recorded at page 44954 Vol 37 same.
This certificate describes that portion of the water right confirmed by prior certificate 43990, NOT modified by the provisions of an order entered on September 12, 1977, approving transfer application No. 3592.

so as to correctly describe the quantity of water.

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. November 28, 1977

James E. Sexson

Water Resources Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
OREGON STATE HIGHWAY DIVISION, PARKS)
AND RECREATION BRANCH FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND POINT OF)
DIVERSION OF WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 3592

On March 17, 1977, an application was filed in the office of the Water Resources Director by Oregon State Highway Division, Parks and Recreation Branch for changes in place of use and 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 43990, Volume 36, State Record of Water Right Certificates, in the name of Chas. and Lillian L. Shelton, describes a right which includes the use of not to exceed 0.13 cubic foot per second from Rogue River for irrigation of a certain 10.0 acres within the $W\frac{1}{2}$ NE $\frac{1}{4}$ of Section 28, Township 34 South, Range 1 West, W.M., with a date of priority of November 18, 1922.

Water for the said right is diverted from a point located 350 feet South and 1840 feet West from the Northeast corner of Section 28, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 28.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate a certain 8.3 acres in Lot 4 (E $\frac{1}{2}$ SW $\frac{1}{4}$) and 1.7 acres in Lot 5 (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 26, Township 36 South, Range 4 West, W.M. from a point of diversion located 1700 feet South and 3000 feet West from the East quarter corner of Section 26, being within Lot 4 of said Section 26.

Notice of the application, pursuant to ORS 540.510, was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson

029
P267-269

County, Oregon, for a period of three weeks in the issues of June 10, 17 and 24, 1977.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion as described herein, without loss of priority, are 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 0.125 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 and said water so transferred

shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Chas. and Lillian L. Shelton and recorded at page 43990, Volume 36, State Record of Water Right Certificates, is canceled, and in lieu thereof a new confirming 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 12th day of September, 1977.

/s/ James E. Sexson
Director

NOTICE
OF WATER RIGHT TRANSFER
APPLICATION NO. 3592

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Oregon State Highway Division, Parks & Recreation Branch, for approval of a change in place of use and point of diversion from Rogue River.

The certificate recorded at Page 43990, Vol. 36, State Record of Water Right Certificates, in the name of Chas. & Lillian L. Shelton, describes a right which includes the use of not to exceed 0.13 cubic foot per second from Rogue River for irrigation of a certain 10.0 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 28, T. 34 S., R. 1 W., W.M., with a date of priority of Nov. 18, 1922.

Water for the said right is diverted from a point located 350 ft. S. and 1840 ft. W. from the NE corner of Sec. 28, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 28.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom, and, without loss of priority, to irrigate a certain 8.3 acres in Lot 4 (E $\frac{1}{2}$ SW $\frac{1}{4}$) and 1.7 acres in Lot 5 (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Sec. 26, 36 S., R. 4 W., W.M., from a point of diversion located 1700 ft. S. and 3000 ft. W. from the E. $\frac{1}{4}$ corner of Sec. 26, being within Lot 4 of said Sec. 26.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on August 4, 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 Oregon State Highway Division, Parks and Recreation Branch, 525 Trade St., Salem, Oregon 97310, 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 OBJECTION IS 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 24th day of May, 1977.

JAMES E. SEXSON
Director

Affidavit of Publication

RECEIVED

JUN 27 1977

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon,
County of Jackson

ss.

1. Sharon J. Morris, being first duly

sworn, depose and say that I am the.....

OWNER, EDITOR, PUBLISHER, MANAGER.

Principal Clerk

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state:

that the Notice of Water Right Transfer

No. 3592

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 June 10, 17, 24, 1977

(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sharon J. Morris

Subscribed and sworn to before me this 24th day of June, 1977

James J. Sexson

NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981