

3613

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in POD
Date filed 4-5-77
Date of hearing 6-16-77
Place of hearing Medford
Date of order 8-11-77 Vol. 29, page 193
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued Jan. 18, 1982 Vol. 44, page 50493

Name of stream Spring Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 12⁰
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 5879 Per. No. 3625 Cert. No. 39593
Certificate cancelled _____
Notation made on record by _____

Date	Amount	Receipt No.
<u>4/5/77</u>	<u>85⁰⁰</u>	<u>59504</u>
TOTAL . . .		
No Cert. Fee		
Pl. MAIL TRIBUNE Part 4 ck. # 1363 (\$28.57) 6-10-77		

FEES REFUNDED

Date	Amount	Check No.
<u>6-10-77</u>	<u>21.43</u>	<u>1364</u>

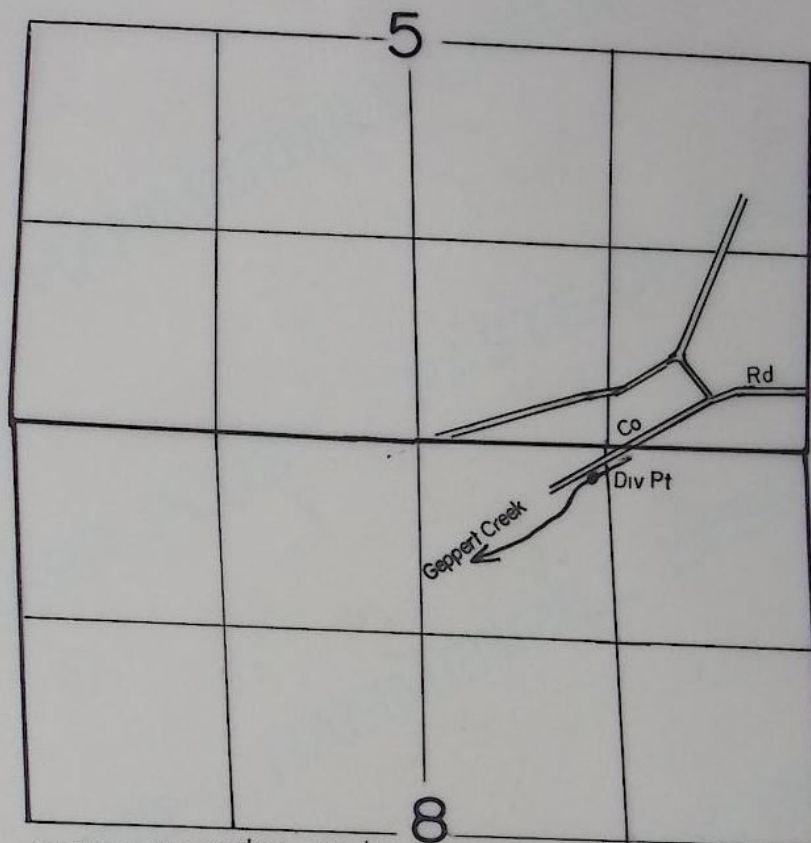
Fees Exam 20-
POD 15-
35-

REMARKS

W.R. + S.
Assembled 3/1/85 by CLH
Entered _____ by _____
Verified _____ by _____

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

T. 35S., R. 2E., W.M.



Div Pt Located 200' S & 1490' W From NE Corner Section 8

SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

TRANSFER NO. 3613

Application No. Permit No.
IN NAME OF

.....JAMES...&...MARGARET...HILTON....

Surveyed AUG. 21... 1989... by B.S. JAMES.....

STATE OF OREGON
COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOSEPH GEPPERT

of Butte Falls, State of Oregon, 97522, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of springs

a tributary of Geppert & Perry Creeks (McNeil Cr.)(Big Butte Cr.) for the purpose of irrigation of 12.0 acres

under Permit No. 3625 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 December 6, 1917

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 0.15 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 8, T. 35 S., R. 2 E., W. M.

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,

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:

12.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 8
T. 35 S., R. 2 E., W. M.

Certificate of water right issued to Joseph Geppert and recorded at page 4857, Volume 5, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 24.0 acres. A change in the place of use of water for the irrigation of 12.0 acres was approved by order of the State Engineer entered August 10, 1973. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to Joseph Geppert.

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 date. November 21, 1973

Chris L. Wheeler

State Engineer

STATE OF OREGON

COUNTY OF Jackson

CERTIFICATE OF WATER RIGHT

This Is to Certify, That William J. and Linda S. Wesley

of PO Box 14, Butte Falls, State of Oregon 97522, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
~~McNeil~~ Creek
Geppert

a tributary of McNeil Creek (Big Butte Creek) for the purpose of
irrigation of 12.0 acres

under Permit No. 3625 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
December 6, 1917

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
0.15 cubic foot per second of water

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 $\frac{1}{4}$ of Section 8, Township 35 South, Range 2
East, WM, being 275 feet north and 2210 feet east from the West One-quarter
Corner of said Section 8.

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 1/80th 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:

12.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 8

Township 35 South, Range 2 East, WM.

This certificate confirms a change in place of use made under transfer Application
2878, and together with the Order issued in approval of transfer Application 3613,
describes the water rights formerly described by the certificate issued to Joseph
Geppert and recorded at page 4857, Volume 5, State Record of Water Right Certifi-
cates. *gl w*

The issuance etc. *gl I*

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.

Water Resources Director

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

7773A

50493

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
WILLIAM J. WESLEY FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM GEPPERT CREEK)

ORDER APPROVING
TRANSFER NO. 3613

On April 5, 1977, an application was filed in the office of the Water Resources Director by William J. Wesley for a change in point of diversion under an existing right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 39593, Volume 31, State Record of Water Right Certificates, in the name of Joseph Geppert, describes a right for the use of not to exceed 0.15 cubic foot per second from springs tributary to Geppert Creek for irrigation of 12.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 35 South, Range 2 East, W.M., with a date of priority of December 6, 1917.

Water for the said right is diverted from the flow of Geppert Creek at a point located 1320 feet South and 0 feet West from the North quarter corner of Section 8, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 8, and has been so diverted from the time the right was perfected under permit No. 3625.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located 230 feet South and 1580 feet West from the Northeast corner of Section 8, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 35 South, Range 2 East, W.M.

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 County, Oregon for a period of three weeks in the issues of April 22, 29 and May 6, 1977.

Mr. David C. Hendrix, 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

U29
P193-194

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 of water from Geppert Creek, 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 0.15 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 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 Joseph Geppert and recorded at page 39593, Volume 31, State Record of Water Right Certificates, is canceled, 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 11th day of August, 1977.

/s/ James E. Sexson
Director

NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 3613

Notice is given hereby that William J. Wesley has filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from springs.

The certificate recorded at Page 39593, Vol. 31, State Record of Water Right Certificates, in the name of Joseph Geppert, describes a right for the use of not to exceed 0.15 cubic foot per second from springs, tributary to Geppert and Perry Creeks for irrigation of 12.0 acres in SE 1/4 NW 1/4 of Sec. 8, T. 35 S., R. 2 E., W.M., with a date of priority of Dec. 6, 1917.

Water for the said right is diverted from a point located 1320 ft. S. and 0 ft. W. from the N. 1/4 corner of Sec. 8, being within the SE 1/4 NW 1/4 of said Sec. 8.

The applicant herein, owner of the lands above described, proposes to change the point of diversion without loss of priority to a point located 230 ft. S. and 1580 ft. W. from the NE corner of Sec. 8, being within the NW 1/4 NE 1/4 of Sec. 8, T. 35 S., R. 2 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on June 16, 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 William J. Wesley, P.O. Box 14, Butte Falls, Oregon 97522, 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 8th day of April, 1977.

JAMES E. SEXSON
Director

RECEIVED

MAY 11 1977

Affidavit of Publication

SOURCES DEPT
SALEM, OREGON

State of Oregon,

County of Jackson

ss.

Sharon J. Morris

I, 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

Application No. 3613

, 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 April 22, 29, May 6, 1977

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

Sharon J. Morris

Subscribed and sworn to before me this 6th day of May, 1977

James J. Osborn

NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1977