

Name Martin S. Grier

By _____

Address 3030 Upper Applegate Road
Jacksonville, Or. 97530Change in P.O.DDate filed June 15, 1978Date of hearing Jan 10, 1979Place of hearing MedfordDate of order 1-17-79 Vol. 31, page 579Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued JAN 22 1987 Vol. 51, page 55476

3973

DESCRIPTION OF WATER RIGHT

Name of stream Applegate RiverTrib. of Rogue River County of JacksonUse irrigation, domestic, & stock

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1876In name of Ralph G. JenningsRogue River Adjudication, Vol. 1, page 22App. No. _____ Per. No. _____ Cert. No. 16237

Certificate cancelled _____

Notation made on record by _____

REMARKS

FEES PAID

Date	Amount	Receipt No.
<u>6-15-78</u>	<u>105.00</u> <u><2.00></u>	<u>3986</u>
TOTAL . . .		
<u>12-14-78</u>	<u>2 Cert. Fee</u>	<u>Aug. 1978 3986</u>
<u>Medford Mail Tribune #42,38 p. 12/14/78 ch # 2965</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>12-14-78</u>	<u>25⁶²</u>	<u>2970</u>
<u>EX 20-</u> <u>POD 15-</u> <u>CERT 2-</u> <u>PEN 42.35</u> <u>79.88</u>		

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>OG</u>	_____
<input checked="" type="checkbox"/> Stream	<u>OG</u>	_____
<input type="checkbox"/> Pt. of Div.	_____	_____
<input checked="" type="checkbox"/> Calendar	<u>OG</u>	_____
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>OG</u>	<u>501</u>
<input checked="" type="checkbox"/> Decree-vault	_____	_____
<input checked="" type="checkbox"/> Decree-safe	_____	_____
<input checked="" type="checkbox"/> Cert. of W/R	_____	_____
<input type="checkbox"/> Per. Folder	_____	_____
<input type="checkbox"/> Chainindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	<u>OG</u>	_____
<input type="checkbox"/> Abstracts	_____	_____

W.R.I.S.

Assembled 6-12-85 by SGP

Entered _____ by _____

Verified _____ by _____

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

MARTIN S. GRIER

of 3030 Upper Applegate Rd., Jacksonville, State of OR 97530, has
a right to the use of the waters of Applegate River

a tributary of Rogue River for the purpose of
irrigation of 104 acres, domestic and stock use

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 1876

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 2.60 cubic feet
per second, if available at the original point of diversion; SW 1/4 SW 1/4,
Section 5, T40S, R3W, WM; Comstock Ditch - 1000 feet North and 1190 feet East
from SW corner Section 5

The point of diversion is located in the SE 1/4 SW 1/4, Section 10, T39S, R3W, WM;
1030 feet North and 1150 feet West from S 1/4 corner Section 10.

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

8.0 acres NE 1/4 NW 1/4
9.0 acres NW 1/4 NW 1/4
18.0 acres SW 1/4 NW 1/4
9.0 acres SE 1/4 NW 1/4
11.0 acres NE 1/4 SW 1/4
18.0 acres NW 1/4 SW 1/4
23.0 acres SW 1/4 SW 1/4
8.0 acres SE 1/4 SW 1/4
Section 10
Township 39 South, Range 3 West, WM

This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered January 17, 1979, and
together with Special Order Volume 32, page 396, supersedes certificate of
water right recorded at page 16237, Volume 13, 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.

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 January 22, 1987.

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51, page 55476

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF RALPH G. JENNINGS)

O R D E R

On August 17, 1979, Martin S. Grier submitted an affidavit that he is the owner of a certain water right and the lands to which the water right is appurtenant; that he has abandoned any and all interest in and to the said water right and request the same be canceled.

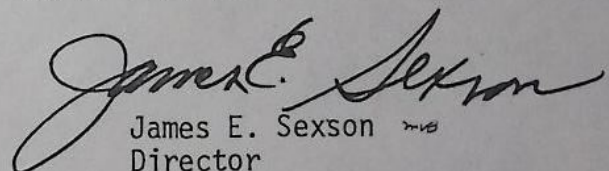
The water right in question was established by Decree of Circuit Court for Jackson County, entered April 26, 1919, in the Matter of the Determination of the Relative Rights of the Use of the Waters of Rogue River, tabulated in the name of Ralph G. Jennings, at Pages 22 and 23, Volume 4, Order record of the Water Resources Director, and is a portion of the right described by the certificate recorded at Page 16237, Volume 13, State Record of Water Right Certificates, in the name of Ralph G. Jennings, and is for the use of not to exceed 6.0 cubic feet per second of water from Applegate River, with a date of priority of 1876, for mining in the SW¼, Section 10, Township 39 South, Range 3 West, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the said water right, being a portion of the right described by the prior certificate recorded at Page 16237, Volume 13, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that no new certificate be issued as provided by the order of the Water Resources Director dated January 17, 1979, and recorded at pages 579 and 580, Volume 31, Special Order Record, approving transfer application No. 3973.

Dated at Salem, Oregon, this 19th day of September, 1979.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF MARTIN S. GRIER FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM APPLGATE RIVER)

ORDER APPROVING
TRANSFER NO. 3973

On June 15, 1978, an application was filed in the office of the Water Resources Director by Martin S. Grier for approval of a change in point of diversion from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16237, Volume 13, State Record of Water Right Certificates, in the name of Ralph G. Jennings, describes a right which includes the use of not to exceed 2.60 cubic feet per second from Applegate River for domestic and stock use and for irrigation of a certain 11.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 18.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 23.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 8.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 8.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 9.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 18.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 9.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 39 South, Range 3 West, W.M., with a date of priority of 1876.

Water for the said right is diverted, through the Comstock Ditch, from a point located 1000 feet North and 1190 feet East from the Southwest Corner of Section 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 40 South, Range 3 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 1130 feet North and 1150 feet West from the South Quarter Corner of Section 10, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 39 South, Range 3 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), 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 November 17 and 24; and December 1, 1978.

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 in point of diversion may be made without injury to existing rights, the application should be approved.

V31, P 579

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.

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:

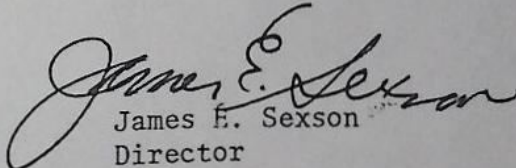
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 16237, 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 applicants herein.

Dated at Salem, Oregon this 17th day of January, 1979.


James E. Sexson
Director

P580

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF Ralph G. Jennings)

O R D E R

On August 17, 1979, Martin S. Grier
submitted an affidavit that he is the owner of a certain water right and
the lands to which the water right is appurtenant; that he has abandoned any
and all interest in and to the said water right and request the same be canceled.

The water right in question was established by Decree of Circuit Court for
Jackson County, entered April 26, 1919, in the Matter of the
Determination of the Relative Rights of the Use of the Waters of Rogue River,
~~which is~~ tabulated in the name of Ralph G. Jennings, at Pages 22 and 23,
Volume 4, Order record of the Water Resources Director, and is a portion of
the right described by the certificate recorded at Page 16237, Volume 13,
State Record of Water Right Certificates, in the name of Ralph G. Jennings,
and is for the use of not to exceed 6.0 cubic feet per second of water from
Applegate River, with a date of priority of 1876, for
mining in the SW 1/4 Section 10, T. 39S. R. 3W. W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed
water right certifies under oath to the Water Resources Director that the water right
has been abandoned by him and that he desires cancellation thereof, the Water Resources
Director shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the said water right, being a por-
tion of the right described by the ^{prior} certificate recorded at Page 16237, Volume 13,
State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that no new certificate be issued as provided by
the order of the Water Resources Director dated January 17, 1979, and recorded
at pages 579 and 580, Volume ^m 31, Special Order Record, approving transfer
application No. 3973.

Dated at Salem, Oregon, this day of September, 1979,

James E. Sexson
Director

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF BLAINE H. AND DOROTHY C. BROOK)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
WAGNER CREEK)
-----)

ORDER APPROVING
TRANSFER NO. 2379

On May 13, 1970, Blaine H. and Dorothy C. Brook filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Wagner Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of Elizabeth Breese for the use of the waters of Wagner Creek for the irrigation of 5.0 acres in NW¼ NE¼, Section 26, Township 38 South, Range 1 West, W.M., with a date of priority of 1885. This right is evidenced by certificate recorded at page 16045, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Evergreen Garden Ditch from a point of diversion located 150 feet north and 760 feet west from the SE corner of DLC 64 being within the SW¼ NE¼ of Section 26, Township 38 South, Range 1 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 510 feet north and 375 feet west from the SE corner of DLC 64 being within the SW¼ NE¼ of Section 26, Township 38 South, Range 1 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point

of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Wagner Creek, to-wit:

From a point located 150 feet north and 760 feet west from the SE corner of DLC 64 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 38 South, Range 1 West, W.M.

To a point to be located 510 feet north and 375 feet west from the SE corner of DLC 64 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 38 South, Range 1 West, W.M.

for the irrigation of 5.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 38 South, Range 1 West, W.M., with a date of priority of 1885, is approved.

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, 1971.

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 and shall not exceed 0.13 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 certificate of water right heretofore issued to Elizabeth Breese and recorded at page 16045, Volume 13, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Blaine H. and Dorothy C. Brook confirming said change in point of diversion.

Dated at Salem, Oregon, this 29th day of December, 1970.

/s/ CHRIS L. WHEELER
State Engineer

NOTICE OF WATER RIGHT TRANSFER
APPLICATIONS NOS. 3973 & 3974

Notice is given hereby that applications have been filed in the office of the Water Resources Director by Martin S. Grier for approval of changes in place of use and point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 504.530.

The certificate recorded at page 16237, Volume 13, State Record of Water Right Certificates, in the name of Ralph G. Jennings, describes a right which includes the use of not to exceed 2.6 cubic feet per second from Applegate River for irrigation of a certain 11.0 ac in NE 1/4 SW 1/4, 18.0 ac in NW 1/4 SW 1/4, 23.0 ac in SW 1/4 SW 1/4, 8.0 ac in SE 1/4 SW 1/4, 8.0 ac in NE 1/4 NW 1/4, 9.0 ac in NW 1/4 NW 1/4, 18.0 ac in SW 1/4 NW 1/4 and 9.0 ac in SE 1/4 NW 1/4 of Sec 10, T 39S, R 3W, WM, with a date of priority of 1876.

The certificate recorded at page 2433, Volume 3 of said record, in the name of F. C. Preston, describes a right which includes the use of not to exceed 0.49 c.f.s. from Applegate River for irrigation of a certain 14.0 ac in SE 1/4 SW 1/4 of Sec 3; 8.0 ac in NE 1/4 NW 1/4, 10.0 ac in NW 1/4 NW 1/4 and 7.0 ac in SE 1/4 NW 1/4 of Sec 10, T 39S, R 3W, WM, with a date of priority of Aug. 3, 1914.

Water for the said rights is diverted, through the Cornstock Ditch, from a point located 1000 ft N & 1190 ft E from the SW Corner of Sec 5, being within the SW 1/4 SW 1/4 of Sec 5, T 40S, R 3W, WM.

The applicant herein proposes changes in place of use and point of diversion, without loss of priority, by severing the right, with a priority date of Aug. 3, 1914, from a certain 1.5 ac in NE 1/4 NW 1/4 of said Sec 10 of the lands above described and in lieu thereof to irrigate a certain 1.5 ac in SW 1/4 SW 1/4 of said Sec 3; and to irrigate this 1.5 ac together with the remaining 141.5 ac of the lands above described from a point of diversion located 1130 ft N & 1150 ft W from the S 1/4 Corner of Sec 10, being within the SE 1/4 SW 1/4 of Sec 10, T 39S, R 3W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon on January 10, 1979, 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 Martin S. Grier, 3030 Upper Applegate Rd, Jacksonville, OR 97530; 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 13th day of November, 1978.

James E. Sexson
Director

Affidavit of Publication

RECEIVED

DEC 7 1978

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon, }
County of Jackson } ss.

I, Joann Alldredge, being first duly

sworn, depose and say that I am the.....
(OWNER, EDITOR, PUBLISHER, MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN)

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 Nos.

Martin S. Grier, 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 November 17, 24, December 1, 1978 ok

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

Joann Alldredge

Subscribed and sworn to before me this 5th day of December, 19 78

James J. [Signature]
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 19 81