

Name Martin S. Grier

By \_\_\_\_\_

Address 3030 Upper Applegate Road  
Jacksonville Or. 97530Change in POD, POVDate filed June 15, 1978Date of hearing Jan 10, 1979Place of hearing MedfordDate of order 1-17-79 Vol. 31, page 582Date for application of water 10-1-80Proof mailed 2-9-87 3-12-87

Proof received \_\_\_\_\_

Certificate issued APR 24 1987 Vol. 51, page 56104

3974

## DESCRIPTION OF WATER RIGHT

Name of stream Applegate RiverTrib. of Rogue River County of JacksonUse irrigation

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

Date of priority August 3, 1914In name of F. C. Preston

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. 3832 Per. No. E-225 Cert. No. 2433

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

## REMARKS

## FEES PAID

Date	Amount	Receipt No.
<u>6-15-78</u>	<u>35.00</u>	<u>3987</u>
<u>10-26-78</u>	<u>10-</u>	<u>7002</u>
TOTAL . . .		
	<u>○ Cert. Fee</u>	

## FEES REFUNDED

Date	Amount	Check No.

Ex 20-  
POD 15-  
POV 10-  
45-

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

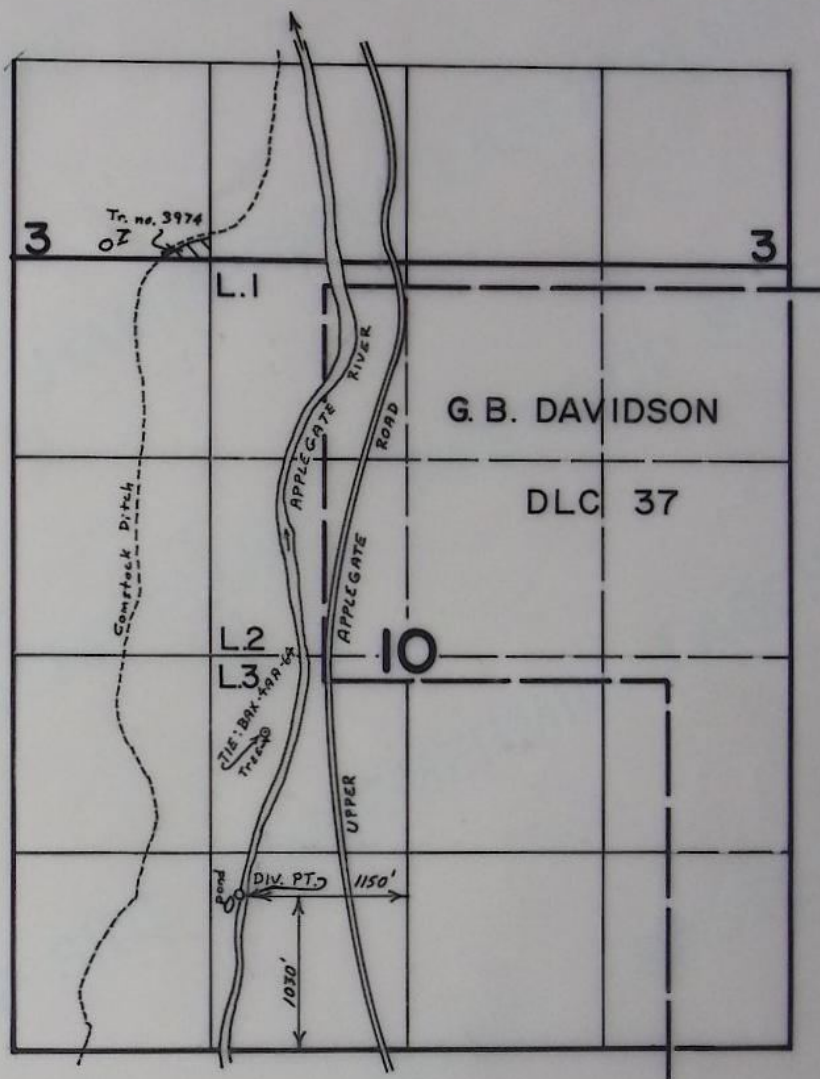
## W.R.I.S.

Assembled 6-12-85 by SM

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

T.39S., R.3W., W.M.



Scale : 4" = 1 mile

**FINAL PROOF SURVEY**  
UNDER

Transfer no. 3973 & 3974

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

.....MARTIN S. GRIER.....

Surveyed May...17,... 19.79, by B.R..SUND.....

## STATE OF OREGON

COUNTY OF

JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

NORTON L. SMITH

of 3030 Upper Applegate Rd., Jacksonville, State of OR 97530, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Applegate River

a tributary of Rogue River  
irrigation of 38.2 acres

for the purpose of

under Permit No. E-225 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 August 3, 1914

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 0.48 cubic foot per second, if available at the original point of diversion, Comstock Ditch

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 1/4 SW 1/4, Section 10, T39S, R3W, WM; 1030 feet North and 1150 feet West from S 1/4 corner Section 10.

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:

SEE NEXT PAGE

0.7 acre SW 1/4 SW 1/4  
14.0 acres SE 1/4 SW 1/4  
Section 3

6.5 acres NE 1/4 NW 1/4  
10.0 acres NW 1/4 NW 1/4  
7.0 acres SE 1/4 NW 1/4  
Section 10

Township 39 South, Range 3 West, WM

This certificate is issued to confirm changes in point of diversion and place of use approved by an order of the Water Resources Director entered January 17, 1979, approving transfer application 3974, and together with an order also entered January 17, 1979 canceling a portion of the right described by certificate of water right recorded at page 2433, Volume 3, State Record of Water Right Certificates, supersedes said certificate.

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. April 24, 1987*

*/s/ William H. Young*

*Water Resources Director*

Recorded in State Record of Water Right Certificates, Volume 51 , page 56104

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF MARTIN S. GRIER FOR APPROVAL OF)  
CHANGES IN PLACE OF USE AND POINT )  
OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER No. 3974

On June 15, 1978, an application was 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 540.530.

The certificate recorded at page 2433, Volume 3, State Record of Water Right Certificates, in the name of F. C. Preston, describes a right which includes the use of not to exceed 0.49 cubic foot per second from Applegate River for irrigation of a certain 14.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 3; and 8.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 10.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 7.0 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 August 3, 1914.

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 place of use for 1.5 acres of the lands above described in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 10 and, without loss of priority, to irrigate in lieu thereof a certain 1.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 3, Township 39 South, Range 3 West, W.M.; and to irrigate this 1.5 acres together with the balance of the lands above described from a point of diversion 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 the provisions of 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 changes in place of use and point of diversion may be made without injury to existing rights.

V319582

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.

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;

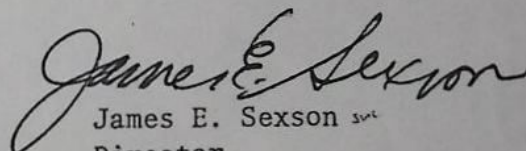
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

The order of the Water Resources Director entered January 17, 1979, provided for cancellation of that portion of the right described by certificate of water right recorded at page 2433, Volume 3, State Record of Water Right Certificates, NOT involved in this transfer proceeding; therefore,

It is FURTHER ORDERED that the certificate of water right recorded at page 2433, Volume 3, 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 17th day of January, 1979.

  
James E. Sexson <sup>sr</sup>  
Director

# STATE OF OREGON

WATER DIVISION NO. 1 COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That F. C. PRESTON

of Jacksonville, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Big Applegate River, a tributary of Applegate River, for the purpose of the irrigation of 66 acres of land

under Enlargement Permit No. 225 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 334, on the 27th day of September, 1919; that the priority of

the right hereby confirmed dates from August 3, 1914; 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 0.83 cubic feet per second, or its equivalent in case of rotation. The use hereunder shall conform to any reasonable rotation system ordered by the proper State Officer. description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 14 acres in the Southeast quarter of Southwest quarter of Section Three: 8 acres in the Northeast quarter of Northwest quarter; 18 acres in the Northwest quarter of Northwest quarter; 19 acres in the Southwest quarter of Southwest quarter and 7 acres in the Southeast quarter of Northwest quarter of Section Ten, Township Thirty-nine South, Range Three West of Willamette Meridian, in Jackson County, Oregon.

14.0 ac. SE 1/4 SW 1/4 of Section 3  
8.0 ac. NE 1/4 NW 1/4  
18.0 ac. NW 1/4 NW 1/4  
19.0 ac. SW 1/4 SW 1/4  
7.0 ac. SE 1/4 NW 1/4  
T-3974 cont'd  
14.0  
8.0  
10.0  
19.0  
7.0  
39.0 (0.41) 27.0 (0.34 cfs)

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

1.5 ac  
14.0 ac  
03

8.0 BA - 1.5  
10.0 BB  
7.0 BD  
10

Witness the seal and signature of the STATE

WATER BOARD affixed this 13th day of October, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER  
State Engineer, President

Attest: R. W. POTTER  
Secretary

Recorded in State Record of Water Right Certificates, Volume 3, Page 2433

T-3974

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 F. C. PRESTON )  
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O R D E R

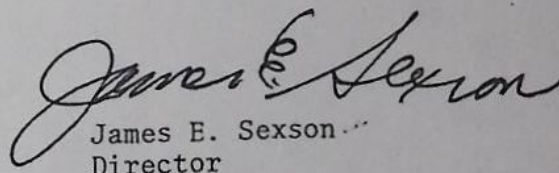
On October 26, 1978, Martin S. Grier submitted an affidavit that he is the owner of a certain water right and the lands to which the water right is appurtenant; that he has abandoned any and all interest in and to the said water right and requests the same be canceled.

The water right in question is a portion of the right described by the certificate recorded at page 2433, Volume 3, State Record of Water Right Certificates, in the name of F. C. Preston, and is for the use of not to exceed 0.34 cubic foot per second of water from Applegate River, with a priority date of August 3, 1914, for irrigation of a certain 8.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 19.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of 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 hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 2433, Volume 3, State Record of Water Right Certificates, is canceled.

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

  
James E. Sexson  
Director

U31 P031

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 Comstock 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

State of Oregon, }  
County of Jackson } ss.

WATER RESOURCES DEPT  
SALEM, OREGON

1. Joann Alldredge, 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 Nos. \_\_\_\_\_

Martin S. Grier

, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for \_\_\_\_\_ successive and consecutive \_\_\_\_\_ weeks in the

following issues November 17, 24, December 1, 1978

(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, 1978

James J. [Signature]

NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981