

RUBY A. HAYES

HAYES

3653

STATUS OF APPLICATION

Change in POD  
 Date filed 4-29-77  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 ✓ Date of order 11-10-77 Vol. 30, page 38  
 Date for application of water Completed  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued FEB 1 1980 Vol. 42, page 48965

See also T# 3646

DESCRIPTION OF WATER RIGHT

Name of stream Rogue River  
 Trib. of \_\_\_\_\_ County of Jackson  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 1.6  
 Name of ditch \_\_\_\_\_  
 Date of priority July 26, 1909  
 In name of B.L. Dodge  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 197 Per. No. 298 Cert. No. 27130 (T#W-112)  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>4-29-77</u>	<u>\$35.00</u>	<u>60094</u>
TOTAL . . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

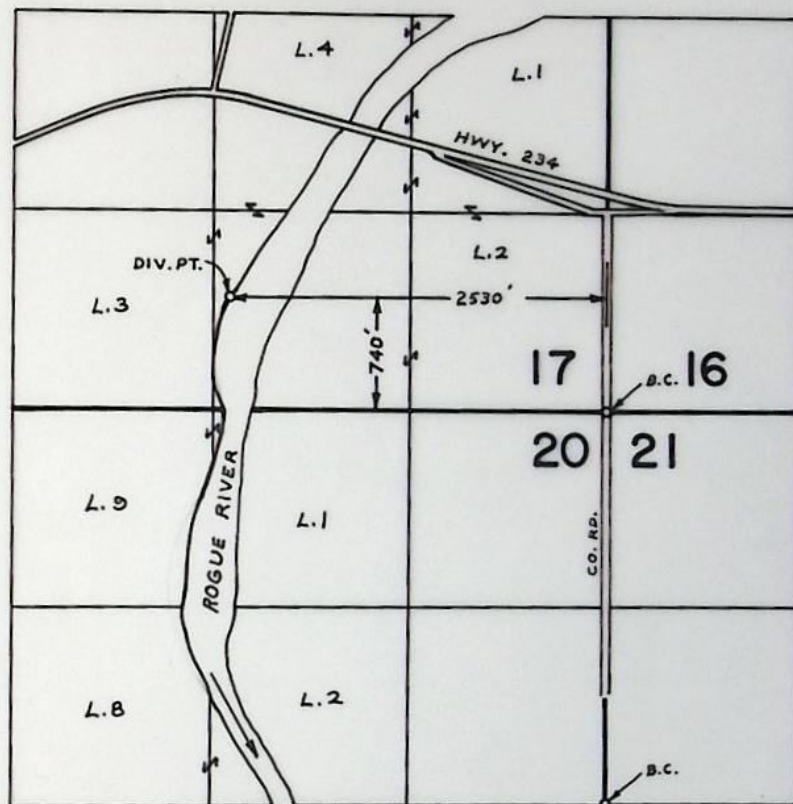
REMARKS

W.R.I.S.  
 Assembled 3/16/84 by CLH  
 Entered \_\_\_\_\_ by \_\_\_\_\_  
 Verified \_\_\_\_\_ by \_\_\_\_\_

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

57

T. 35 S., R. 1 W., W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 3653  
Application No. .... Permit No. ....  
IN NAME OF  
**RUBY A. HAYES**

Surveyed MAY 22, 1978, by B. SUND

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That RUBY A. HAYES

of PO Box 239 Eagle Point, State of Oregon 97525, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Roque River

a tributary of Pacific Ocean for the purpose of irrigation of 1.6 acres

under Permit No. 298 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 July 26, 1909

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 0.01 cubic foot per second if available at the original point of diversion, Lot 4 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) Section 17, T. 35 S., R. 1 W., W.M.; 960 feet South and 3370 feet East from the W $\frac{1}{2}$  Corner Section 17

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 3 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) Section 17, T. 35 S., R. 1 W., W.M.; 740 feet North and 2530 feet West from the SE Corner Section 17

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 for each acre irrigated

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:

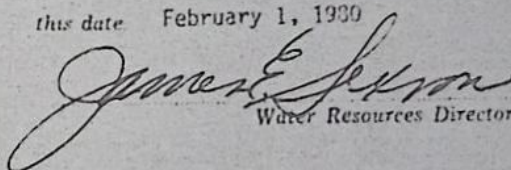
1.3 acres Lot 3 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ )  
0.3 acre Lot 3 (SE $\frac{1}{4}$  SE $\frac{1}{4}$ )  
Section 17  
T. 35 S., R. 1 W., W.M.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered November 10, 1977 and together with certificates of water right recorded on Page 33684, Volume 25, and Page 48964, Volume 42, State Record of Water Right Certificates, supersedes certificate of water right recorded on Page 27130, Volume 19, 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 land, or place of use herein described and is subject to the existing minimum flow policy established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date February 1, 1980

  
Water Resources Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF RUBY A. HAYES FOR APPROVAL OF )  
A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM ROGUE RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. 3653

On April 29, 1977, an application was filed in the office of the Water Resources Director for approval of a change in point of diversion from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 27130, Volume 19, State Record of Water Right Certificates, in the name of B. L. Dodge, describes a right which includes the use of not to exceed 0.01 cubic foot per second from Rogue River for irrigation of a certain 1.6 acres in Lot 3 (SE $\frac{1}{4}$  SW $\frac{1}{4}$  and SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 17, Township 35 South, Range 1 West, W.M., with a date of priority of July 26, 1909.

Water for the said right is diverted from a point located 960 feet South and 3370 feet East from the West quarter corner of Section 17, being within Lot 4 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of said Section 17.

The above described lands were included in the order of the State Engineer, dated October 28, 1966, approving water right transfer application No. W-112, in the name of James C. Wilson, Jr., being a portion of the lands from which the water right was severed in a change in place of use of water for irrigation purposes. The said transfer application was filed in the office of the State Engineer on February 23, 1965, and contained the statement that James C. Wilson, Jr., was then the legal owner of the said lands.

The change in place of use of water described by the said application was not completed under the provisions of the approving order in that the lands to which the water right was to become appurtenant by performance were not beneficially irrigated within the time allowed, as extended.

The applicant herein states that James C. Wilson, Jr., was not the legal owner of the said lands at the time the application No. W-112 was filed and that he did not have authority to include the lands in the application. The applicant herein, Ruby A. Hayes, states that she and her late husband, Harold D. Hayes, have been legal owners of the said lands since 1964 and she has submitted a photocopy of a warranty deed to them for said lands, dated April 16, 1964 and recorded in the

the deed records of Jackson County, Oregon, April 23, 1964.

NOW, THEREFORE, it hereby is ORDERED that the order of the State Engineer, dated October 28, 1966, approving water right transfer application No. W-112, in the name of James C. Wilson, Jr., and recorded at page 302, Volume 15, Special Order Record of the State Engineer, be and the same is hereby amended to eliminate reference to the lands above described as being a portion of the lands from which the subject water right is severed.

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 700 feet North and 160 feet East from the South quarter corner of Section 17, being within Lot 3 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of said Section 17.

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.

NOW, THEREFORE, it hereby is FURTHER 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 0.01 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;

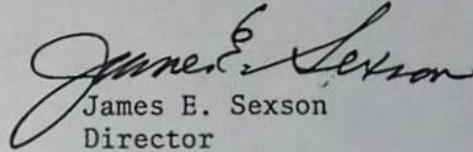
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that 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 10th day of November, 1977.

  
James E. Sexson  
Director

# STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

Supervised by  
Dist. No. 30424  
(Bismarck Pt.)

Trs. Sp. Cr. v. 10-302  
W-112 Chg. pl. of use  
See T\* 3618 & 3646  
re errors in  
W-112

**This Is to Certify, That** B. L. DODGE

of Route 3, Box 171, Medford, 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** a tributary of **Pacific Ocean** for the purpose of irrigation of 381.4 acres,

under Permit No. 298 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 July 26, 1909,

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 2.0 cubic feet 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 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section 17, Township 35 South, Range 1 West, 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, or its equivalent for each acre irrigated,

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:

- |   |  |
|---|--|
| 2.6 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$           | 1.0 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$           |
| Section 7   | 26.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$         |
| 3.6 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$           | 21.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$         |
| Section 8   | 34.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$         |
| 0.4 acre NW $\frac{1}{4}$ NE $\frac{1}{4}$            | 29.4 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$         |
| 4.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$           | 32.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$         |
| 26.8 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$          | 29.2 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$         |
| 7.4 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$           | 22.6 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$         |
| 19.2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$          | 13.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$         |
| 2.8 acres Lot 4 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ )  | Section 18   |
| 3.6 acres Lot 3 (SW $\frac{1}{4}$ SE $\frac{1}{4}$ )  | 1.0 acre NW $\frac{1}{4}$ NE $\frac{1}{4}$           |
| 6.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$           | Section 19   |
| 22.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$          | 2.8 acres Lot 9 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) |
| 23.8 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$          | 15.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$         |
| 30.4 acres Lot 3 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) | Section 20   |
| Section 17  | Township 35 South, Range 1 West, W.M.                |
| Township 35 South, Range 1 West, W.M.                 |  |

C#33684

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. June 21, 1960

LEWIS A. STANLEY  
State Engineer

STATE OF OREGON  
COUNTY OF JACKSON  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That**      **B. L. DODGE**

of Route 3, Box 171, Medford, 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

a tributary of Pacific Ocean for the purpose of irrigation of 55.4 acres

under Permit No. 298 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 July 26, 1909

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 0.29 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 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section 17, Township 35 South, Range 1 West, 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, or its equivalent for each acre irrigated;

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:

22.6 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
13.2 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 18

2.8 acres Lot 9 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
15.8 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 20

1.0 acre NW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 19

T. 35 S., R. 1 W., W.M.

Certificate of water right issued to B. L. Dodge and recorded at page 27130, Volume 19, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 381.4 acres. Subsequently, the right to the use of water appurtenant to 326.0 acres was transferred by order of the State Engineer entered October 28, 1966. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to B. L. Dodge.

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.      March 7, 1967

.....CHRIS L. WHEELER.....

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33684