

## STATUS OF APPLICATION

Change in POD  
 Date filed 7-5-77  
 Date of hearing 9-21-77  
 Place of hearing Grants Pass  
 Date of order 9-30-77 Vol. 29, page 388  
 Date for application of water 10-1-79  
 Proof mailed \_\_\_\_\_  
 Proof received JAN 31 1978  
 Certificate issued JAN 22 1987 Vol. 37, page 45157  
51 55500

## DESCRIPTION OF WATER RIGHT

Name of stream Applegate River  
 Trib. of \_\_\_\_\_ County of Josephine  
 Use \_\_\_\_\_  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch Wilderville  
 Date of priority \_\_\_\_\_  
 In name of \_\_\_\_\_  
Rogue R. Inch. Adjudication, Vol. 16, page 523  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 32908  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
7-5-77	90.00	62247
TOTAL . . .		
8/31/77	\$2 Cert. Fee	62247
Pdt. Courier Publ. Co. (#4338) ck #1469 8/31/77		

## FEES REFUNDED

Date	Amount	Check No.
8/31/77	\$962	1468
	Recd	90.00
	Exam	20
	POD	15
	Cert	2
	PON	37.00
		43.38

## REMARKS

CARD FOR C DEC 26 1979

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Stream	<u>lg</u>	_____
<input type="checkbox"/>	Pt. of Div.	<u>lg</u>	_____
<input type="checkbox"/>	Calendar	<u>lg</u>	_____
<input type="checkbox"/>	CHECKED TO RECORDS:		
<input type="checkbox"/>	Twp. & Rgs.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Deed-unit	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Deed-safe	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Cert. of W/R	<u>lg</u>	_____
<input type="checkbox"/>	Per. Folio	_____	_____
<input type="checkbox"/>	Chaindex	_____	_____
<input type="checkbox"/>	Cross Ref.	_____	_____
<input checked="" type="checkbox"/>	Power Claim	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Abstracts	<u>lg</u>	_____



## LEGAL NOTICE

NOTICE OF WATER RIGHT  
TRANSFER

APPLICATION NO. 3720

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Donald Bray for approval of a change in point of diversion from Applegate River.

The certificate recorded at page 32908, Volume 24, State Record of Water Right Certificates, in the name of Ernest Loughridge, describes a right which includes the use of water from Applegate River for irrigation of 16.5 acres in SW $\frac{1}{4}$ , SW $\frac{1}{4}$  of Section 5, Township 37 South, Range 6 West, WM, with a date of priority of February, 1899.

Water for the said right is diverted, through the Wilderville Ditch, from a point located 650 ft. S and 890 ft. E from the W $\frac{1}{4}$  corner of Section 15, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, T 37 S, R 6 W, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to irrigate 3.3 acres of said land from point of diversion No. 1 located 600 ft. N and 1310 ft. E from the SW corner of Section 5, and to irrigate 13.2 acres of said lands from point of diversion No. 2 located 730 ft. N and 550 ft. E from the SW corner of Section 5; both being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 5, T 37 S, R 6 W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on September 21, 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 Donald Bray, 4348 Fish Hatchery Rd., Grants Pass, OR 97526 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 25th day of July, 1977.

JAMES E. SEXSON  
Director

No. 12-Mon-Aug. 1, 8 & 15, 1977

## AFFIDAVIT OF PUBLICATION

RECEIVED

AUG 16 1977

WATER RESOURCES DEPT  
SALEM, OREGON

State of Oregon }  
County of Josephine } ss.

I, Charles J. Moore, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Grants Pass Daily Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the NOTICE OF WATER RIGHT TRANSFER, a printed copy of

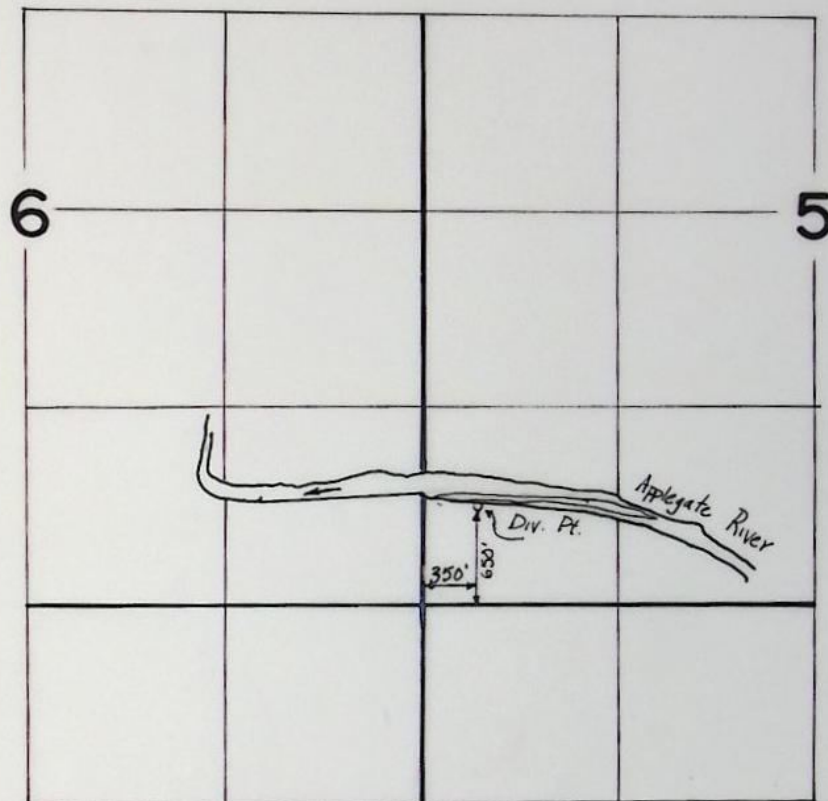
which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues August 1, 8 & 15, 1977

Subscribed and sworn to before me this 15th day of August, 1977

A. Kathleen Johnson  
Notary Public of Oregon.

My commission expires 4th day of February, 1980.

T. 37 S., R. 6 W., W.M.



**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. 3720

IN NAME OF

**DONALD BRAY**

.....  
Surveyed DEC. 14, 1983, by B. S. JAMES.....

OCT. 17, 1983

B50-3-11 mc 2/20/84



STATE OF OREGON

COUNTY OF JOSEPHINE

SUPERSEDED  
CERTIFICATE NO. 45157

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Donald Bray  
ERNEST LOUGHMEADE.

4348 Fish Hatchery Rd  
of R.F.D. No. 2, Box 454, Grants Pass, State of Oregon, has a right  
to the use of the waters of Applegate River

a tributary of Rogue River for the purpose of  
irrigation of 34.7 acres 16.5 acres  
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 STATE ENGINEER, in Volume 26, at page 523; that the priority of the right thereby  
confirmed dates from February, 1899.

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 0.69 cubic foot per  
second, if available from the original point of diversion 0.33

The point of diversion is located in the NW 1/4 SW 1/4, Section 15, T. 37 S., R. 6 W., W.M.  
Wilderville Ditch - 650' S & 890' E from W 1/4 cor Sec 15  
A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:

16.5 acres in SW 1/4 SW 1/4  
Section 5.

18.2 acres in SE 1/4 SE 1/4  
Section 6,  
T. 37 S., R. 6 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 9-30-77, and  
together with certificate of water right recorded at page 45157,  
Volume 37, State Record of Water Right Certificates, supersedes  
certificate 32908.

The issuance... (g/lsso, J)

CHRIS L. WHEELER  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32908

7984D

55500

Tr - 3720

POD cc Sec 5 T37S R6W W.M.  
650' N & 750' E from SW cor Sec 5



## STATE OF OREGON

COUNTY OF JOSEPHINE

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That ERNEST LOUGHRIDGE,

of R.F.D. No. 2, Box 454, Grants Pass, State of Oregon, has a right  
to the use of the waters of Applegate River

a tributary of Rogue River

for the purpose of  
the irrigation of ~~34.7 acres~~ 182 acres

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 STATE ENGINEER, in Volume 16, at page 523; that the priority of the right thereby confirmed dates from February, 1899;

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 ~~0.69~~ cubic foot per second.  
0.36The point of diversion is located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, T. 37 S., R. 6 W., W.M.,  
Wilderville Ditch - 650'S 5 890'E from the W $\frac{1}{4}$  cor of Sec 15

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

~~16.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$~~   
~~Section 5.~~

T# 3720

16.5

18.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 6,  
T. 37 S., R. 6 W., W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 32908, Volume 24, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Sept 30, 1978, approving transfer application No. 3720.

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

of use herein described.

WITNESS the signature of the State Engineer, affixed

this date January 5, 1986.

CHRIS L. MILLER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32908

T# 3720



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF )  
DONALD BRAY FOR APPROVAL OF A CHANGE )  
IN POINT OF DIVERSION OF WATER FROM )  
APPLEGATE RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3720

On July 5, 1977, an application was filed in the office of the Water Resources Director by Donald Bray for a change in 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 32908, Volume 24, State Record of Water Right Certificates, in the name of Ernest Loughridge, describes a right which includes the use of not to exceed 0.33 cubic foot per second of water from Applegate River for irrigation of 16.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 5, Township 37 South, Range 6 West, W.M, with a date of priority of February, 1899.

Water for the said right is diverted, through the Wilderville Ditch, from a point located 650 feet South and 890 feet East from the West quarter corner of Section 15, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, Township 37 South, Range 6 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 irrigate 3.3 acres of said land from point of diversion No. 1 located 600 feet North and 1310 feet East from the Southwest corner of Section 5, and to irrigate 13.2 acres of said lands from point of diversion No. 2 located 730 feet North and 550 feet East from the Southwest corner of Section 5; both being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 5, Township 37 South, Range 6 West, W.M.

1129  
1387-370



Notice of the application, pursuant to ORS 540.510, was published in the Grants Pass Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of August 1, 8 and 15, 1977.

Mr. Robert B. Steimer, 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 as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.07 cubic foot per second at diversion point No. 1 and 0.26 cubic foot per second at diversion point No. 2.

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 on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore



issued to Ernest Loughridge and recorded at page 32908, Volume 24, 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 applicant herein.

Dated at Salem, Oreogn, this 30th day of September, 1977.

/s/ James E. Sexson  
Director



BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF THELMA L. PALMERTON FOR THE )  
APPROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM APPELEGATE RIVER )  
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ORDER APPROVING  
TRANSFER NO. P-87  
Oct 11 1967

On June 22, 1967, Thelma L. Palmerton filed an application in the office of the State Engineer for the approval of a change in place of use of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon entered May 19, 1964, 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 Emil Gentner for the irrigation of, among other lands, 4.6 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26, and 1.7 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.6 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 6.9 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 0.4 acre in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 27, Township 37 South, Range 5 West, U.M., with a date of priority of February, 1899. This right was confirmed by certificate recorded at page 32853, Volume 24, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 2.6 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26, 10.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 2.6 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 27, Township 37 South, Range 5 West, U.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water only.



Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

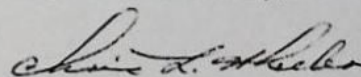
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 4.6 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26, and 1.7 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.6 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 6.9 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 0.4 acre in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 27, Township 37 South, Range 5 West, W.M., with a date of priority of February, 1899, be severed therefrom and simultaneously and without loss of priority transferred to 2.6 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26, and 10.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 2.6 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 27, Township 37 South, Range 5 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1968.

It is FURTHER ORDERED that certificate of water right heretofore issued to Emil Gentner and recorded at page 3285<sup>3</sup><sub>5</sub>, Volume 24, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Thelma L. Palmerton confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 6<sup>th</sup> day of February, 1968.



CHRIS L. WHEELER  
State Engineer 4