

3749

STATUS OF APPLICATION

Change in POD
 Date filed August 10, 1977
 Date of hearing _____
 Place of hearing _____
 Date of order 8-19-77 Vol. 29, page 241
 Date for application of water EXT 10-1-81
 Proof mailed _____
 Proof received _____
 Certificate issued AUG 10 1978 Vol. 38, page 46184
JUN 8 1986 49 54482

DESCRIPTION OF WATER RIGHT

Name of stream Rogue River
 Trib. of _____ County of Jackson
 Use _____
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority _____
 In name of Albert C. Allen
 Adjudication, Vol. _____, page _____
 App. No. 13351 Per. No. 9600 Cert. No. 44304
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-10-77</u>	<u>\$ 35-</u>	<u>63148</u>
TOTAL . . .		
<u>8-18-77</u>	<u>2 Cert. Fee</u>	<u>63328</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

to sur 10/81
Surveyed 11/19/85 (Bewley)

See also T#3763 for a POD under part of remaining right.

See also T#3810 for a POD under part of remaining right

See also T#3811 - a POD - - - - -

W.R.I.S.

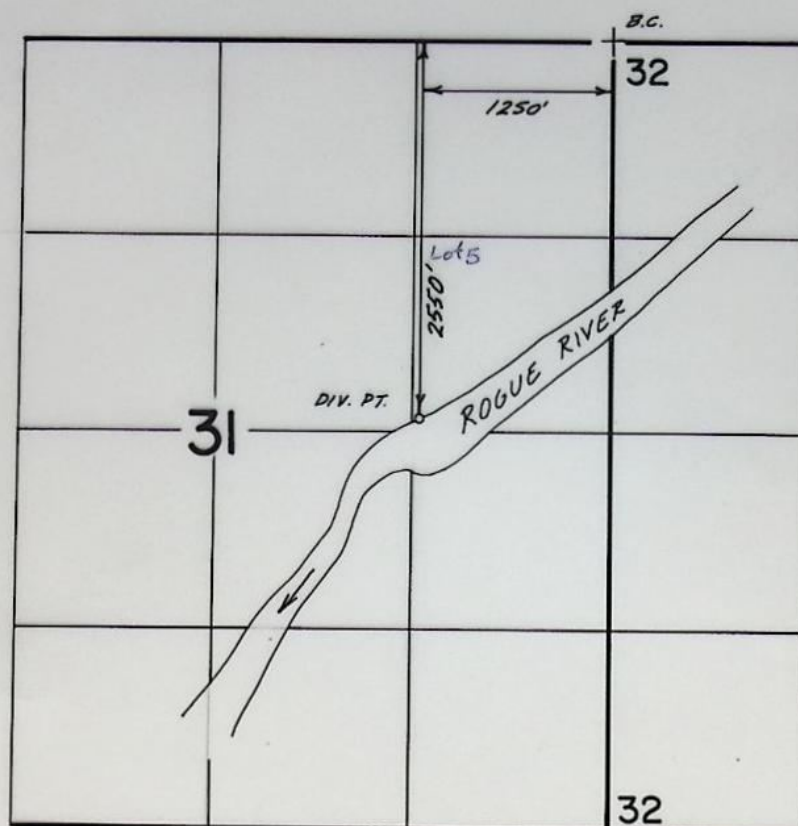
Assembled 6-20-85 by SCW

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>leg</u>	_____
<input checked="" type="checkbox"/>	Stream	<u>leg</u>	_____
<input checked="" type="checkbox"/>	Pl. of Div.	<u>leg</u>	_____
<input checked="" type="checkbox"/>	Calendar	<u>leg</u>	_____
CHECKED TO RECORD:			
<input checked="" type="checkbox"/>	Twp. & Rge.	_____	_____
<input checked="" type="checkbox"/>	Decree-vault	_____	_____
<input checked="" type="checkbox"/>	Decree-safe	_____	_____
<input checked="" type="checkbox"/>	Cert. of W/R	<u>✓</u>	_____
<input checked="" type="checkbox"/>	Per. Folder	<u>✓</u>	_____
<input checked="" type="checkbox"/>	Chaindex	_____	_____
<input checked="" type="checkbox"/>	Cross Ref.	_____	_____
<input checked="" type="checkbox"/>	Power Claim	_____	_____
<input checked="" type="checkbox"/>	Abstracts	<u>leg</u>	_____

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



Scale 1" = 1320'

FINAL PROOF SURVEY
UNDER

Transfer No. 3749

Application No. Permit No.
IN NAME OF

.....R.B. BEWLEY.....

Surveyed Nov...19... 1985, by B.S. JAMES.....

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ALBERT C. ALLEN, JR.

of Rt. 2, Box 590, Central Point, State of Oregon, 97502, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Rogue River

a tributary of ~~55.8~~ Pacific Ocean for the purpose of irrigation of ~~88.2~~ acres ~~56.0~~

under Permit No. 9600 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 March 29, 1930

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 ~~0.95~~ cubic foot per second

~~0.59~~
0.60

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, T. 35 S., R. 1 W., 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 be further limited to a diversion of not to exceed $4\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

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:

	T 3749	T 3763	T 3810	T 3811
11.9 17.2 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.1	0.1	0.1	0.1
20.7 21.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.3	0.3	0.3	0.3
23.4 30.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.3	0.3	0.3	0.3
20.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.25	0.4	0.4	0.4
Section 31	0.8	0.8	0.8	0.8
T. 35 S., R. 1 W., W. M.	0.08	0.09	0.09	0.09

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 44304, Volume 36, State Record of Water Right Certificates, NOT modified by the provisions of ~~any~~ order of the Water Resources Director ~~and~~, approving transfer applications Nos. 3749.

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

3763
3810
3811

established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. April 15, 1977

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36, page 44304

46184

T 3749 for \$2.00

T 3811 T 3810 T 3763 T 3749

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF FOREST W. PERKINS FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 3749

On August 10, 1977, an application was filed in the office of the Water Resources Director by Forest W. Perkins 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 44304, Volume 36, State Record of Water Right Certificates, in the name of Albert C. Allen, Jr., describes a right which includes the use of not to exceed 0.08 cubic foot per second from Rogue River for irrigation of 5.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 35 South, Range 1 West, W.M., with a date of priority of March 29, 1930.

Water for the said right is diverted from a point located 70 feet North and 1400 feet West from the East quarter corner of Section 31, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31.

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 2500 feet South and 1160 feet West from the Northeast corner of Section 31, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31.

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.

V29
P241-242

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 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 0.08 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 Albert C. Allen, Jr. and recorded at page 44304, Volume 16, 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, Oregon, this 19th day of August, 1977.

/s/ James E. Sexson
Director