

3779

Name Ellen Switzer

By _____

Address P.O. Box 445Selma, OR 97538Change in PODDate filed Sept 20, 1977

Date of hearing _____

Place of hearing _____

Date of order 11-28-77 Vol. 30, page 84Date for application of water 10-1-79 ^{EXT 10-1-81}

Proof mailed _____

Proof received _____

Certificate issued AUG 19 1992 Vol. _____, page 67707

DESCRIPTION OF WATER RIGHT

Name of stream Spring CreekTrib. of _____ County of JosephineUse Dom & Irr.

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority March 22, 1963In name of Jack Lionberger

_____ Adjudication, Vol. _____, page _____

App. No. 38536 Per. No. 28674 Cert. No. 34886

Certificate cancelled _____

Notation made on record by _____

OK Cert

FEES PAID

Date	Amount	Receipt No.
<u>9-20-77</u>	<u>\$ 35 00</u>	<u>63977</u>
TOTAL . . .		
	No Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

W.R.I.S.

Assembled 6-24-88 by SM

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
☒ Name	☒	☐
☒ Stream	☒	☐
☒ Pt. of Div.	☒	☐
☒ Calendar	☒	☐
CHECKED TO RECORDS:		
☒ Twp. & Rge.	☐	☐
☒ Decree-vault	☐	☐
☒ Decree-safe	☐	☐
☒ Cert. of W/R	☐	☐
☒ Per. Folder	☐	☐
☒ Chindex	☐	☐
☒ Cross Ref.	☐	☐
☒ Power Claim	☐	☐
☒ Abstracts	☐	☐

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ELLEN SWITZER
BOX 445, ILLINOIS RIVER ROAD
SELMA, OREGON 97538

confirms the right to use the waters of SPRING CREEK, a tributary of ILLINOIS RIVER, for IRRIGATING 4.8 ACRES AND DOMESTIC USE FOR TWO FAMILIES.

This right was perfected under Permit 28674. The date of priority is MARCH 22, 1963. This right is limited to 0.11 CUBIC FOOT PER SECOND, BEING 0.01 CFS FOR DOMESTIC USE AND 0.10 CFS FOR IRRIGATION or its equivalent in case of rotation, measured at the point of diversion from the source if available at the old point of diversion.

The point of diversion is located as follows:

LOT 9 (SW 1/4 SW 1/4), SECTION 1, T 38 S, R 9 W, W.M.; 900 FEET NORTH AND 1280 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 1.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FIFTIETH of one cubic foot per second (or its equivalent) and 3.5 acre-feet for each acre irrigated during the irrigation season of each year; PROVIDED FURTHER THAT THE RIGHT TO USE OF WATER IS LIMITED TO THE PERIOD WHEN THE FLOW OF THE ILLINOIS RIVER IS MORE THAN 80 CFS AT ITS MOUTH AND THE ROGUE RIVER IS MORE THAN 735 CFS AT ITS MOUTH.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

SE 1/4 SE 1/4 4.5 ACRES AND 2 DOMESTIC
AS PROJECTED WITHIN H.E.S. 121
SECTION 2

NE 1/4 NE 1/4 0.3 ACRE
AS PROJECTED WITHIN H.E.S. 121
SECTION 11
TOWNSHIP 38 SOUTH, RANGE 9 WEST, W.M.

When in the judgement of the Watermaster it becomes necessary to install headgates and measuring devices:

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;

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.

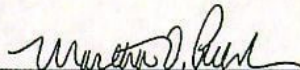
SEE NEXT PAGE

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered NOVEMBER 28, 1977, and supersedes Certificate 34886, 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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed AUGUST 19, 1992.



Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 67707.

T-3779.LMJ

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JACK LIONBERGER

of Box 396, Selma, 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 Spring Creek

a tributary of Illinois River for the purpose of irrigation of 4.8 acres and domestic use of two families

under Permit No. 28674 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 March 22, 1963

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 0.11 cubic foot per second; being 0.10 c.f.s. for irrigation and 0.01 c.f.s. for domestic

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 9 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 1, T. 38 S., R. 9 W., W. M. Diversion point located 1110 feet East and 750 feet North from SW Corner, Section 1.

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-fiftieth 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 $3\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the Illinois River is more than 80 c.f.s. at its mouth and the Rogue River is more than 735 c.f.s. at its mouth;

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:

Domestic and 4.5 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
as projected within H.E.S. 121
Section 2

0.3 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$
as projected within H.E.S. 121
Section 11
T. 38 S., R. 9 W., W. M.

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. May 27, 1968

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34886

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF ELLEN SWITZER FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM SPRING CREEK)

ORDER APPROVING
TRANSFER NO. 3779

On September 20, 1977, an application was filed in the office of the Water Resources Director for approval of a change in point of diversion from Spring Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 34886, Volume 26, State Record of Water Right Certificates, in the name of Jack Lionberger, describes a right for the use of not to exceed 0.11 cubic foot per second from Spring Creek for domestic use of two families and irrigation of 4.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2; and irrigation of 0.3 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 38 South, Range 9 West, W.M., with a date of priority of March 22, 1963.

Water for the said right is diverted from a point located 750 feet North and 1110 feet East from the Southwest Corner of Section 1, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 38 South, Range 9 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 1500 feet North and 1250 feet East from the Southwest Corner of Section 1, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 1.

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 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 0.01 cubic foot per second for domestic use and 0.10 cubic foot per second for irrigation.

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:

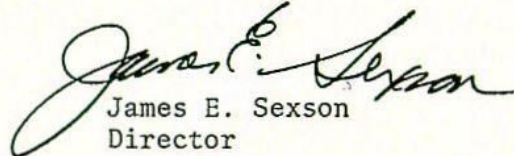
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 recorded at page 34886, Volume 26, 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 28th day of November, 1977.


James E. Sexson
Director