

3784

14

Name Howard Barber
By _____
Address 6425 Lakeshore Dr.
Selma, OR 97538
ph 592-3156

Change in POD
Date filed Sept. 23, 1977
Date of hearing _____
Place of hearing _____
Date of order 10-10-77 Vol. 29, page 450
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
R.R. Certificate issued NOV 28 1977 Vol. 37, page 44966
Confirm. Cert Sept 22, 1988 Vol. 54 page 57729

DESCRIPTION OF WATER RIGHT

Name of stream Deer Creek
Trib. of _____ County of Josephine
Use irr.
Quantity of water _____ No. of acres 32 1/2 ac.
Name of ditch Harmon
Date of priority May 15, 1886
In name of T. G. Harmon
Illinois Riv. Adjudication, Vol. 13, page 110
App. No. _____ Per. No. _____ Cert. No. 13871
Certificate cancelled _____
Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>9-23-77</u>	<u>\$ 35 00</u>	<u>64036</u>
TOTAL . . .		
<u>10-6-77</u>	<u>\$2 Cert. Fee</u>	<u>64326</u>

FEEES REFUNDED

Date	Amount	Check No.

to survey 10/79

REMARKS

W.R.I.S.

Assembled 8-25-85 by SGA

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
	<input checked="" type="checkbox"/> Name	<u>lg</u>	_____
	<input checked="" type="checkbox"/> Section	<u>lg</u>	_____
	<input checked="" type="checkbox"/> Ft. & Div.	<u>lg</u>	_____
	<input checked="" type="checkbox"/> Calendar	<u>lg</u>	_____
	CHECKED TO RECORDS:		
	<input checked="" type="checkbox"/> Twp. & Rge.	_____	_____
	<input checked="" type="checkbox"/> Decree-vault	<u>lg</u>	_____
	<input checked="" type="checkbox"/> Decree-safe	<u>lg</u>	_____
	<input checked="" type="checkbox"/> Cert. of W/R	<u>lg</u>	_____
	<input type="checkbox"/> Per. Folder	_____	_____
	<input type="checkbox"/> Chainindex	_____	_____
	<input type="checkbox"/> Cross Ref.	_____	_____
	<input type="checkbox"/> Power Claim	_____	_____
	<input checked="" type="checkbox"/> Abstracts	<u>lg</u>	_____

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STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that HOWARD BARBER, of 6429 LAKESHORE DRIVE, SELMA, OREGON 97538, has a right to the use of waters of DEER CREEK, a tributary of ILLINOIS RIVER, for the purpose of IRRIGATING OF 32.1 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 13, at page 70. The date of priority is MAY 15, 1886.

The right is limited to not more than 0.64 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, SW 1/4 NW 1/4, SECTION 14, T 38 S, R 7 W, W.M.; HARMON DITCH - 1130 FEET NORTH & 1150 FEET EAST FROM W1/4 CORNER SECTION 14.

The point of diversion is located as follows:

SW 1/4 NW 1/4, SECTION 14, T 38 S, R 7 W, W.M.;
1100 FEET NORTH & 600 FEET EAST FROM W1/4 CORNER SECTION 14.

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 for each irrigated during the irrigation season FROM APRIL 1 TO NOVEMBER 1 of each year.

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

SW 1/4 NW 1/4 0.8 ACRES
SECTION 14

SW 1/4 NE 1/4 14.8 ACRES
SE 1/4 NE 1/4 16.5 ACRES
SECTION 15
TOWNSHIP 38 SOUTH, RANGE 7 WEST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered OCTOBER 10, 1977, and together with certificate 44966, supersedes certificate 13871, 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 and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed this date SEPTEMBER 27, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57729

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

T. G. HARMON

of Grants Pass
a right to the use of the waters of Deer Creek and Messinger Slough, State of Oregon, 97526, has

a tributary of Illinois River
the irrigation of 4.8 acres, domestic, and stock for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Josephine County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 13, at page 70; that the priority of the right thereby confirmed dates from May 15, 1886

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 one cubic foot per second for each 50 acres of land irrigated during the irrigation season from April 1 to November 1 of each year,

The point of diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14, T. 38 S., R. 7 W., W. M., Harmon Ditch-1130 feet North and 1150 feet East from the W $\frac{1}{4}$ Corner, Section 14

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

4.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
0.8 acre SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 15
T. 38 S., R. 7 W., W. M.

and said right shall be subject to all other conditions and limitations contained in said decree.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 13871, Volume 12, State Record of Water Right Certificates, NOT modified by the provisions of an order entered on October 10, 1977, approving transfer application No. 3784.

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

And said right shall be subject to all other conditions and limitations contained in said decree. 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 Water Resources Director, affixed

this date November 28, 1977.

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 37, page 44966

STATE OF OREGON

CERTIFICATE NO.

44966
57729

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

T. G. HARMON

of Grants Pass, State of

Oregon

97526, has a right to the use of

the waters of Deer Creek and Messinger Slough

for the purpose of irrigation, domestic, and stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Josephine County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 13, at page 70; that the priority of the right thereby confirmed dates from May 15, 1886;

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 one cubic foot per second for each 50 acres of land irrigated during the irrigation season from April 1 to November 1 of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

0.8 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 14;
18.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
17.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 15,
T. 38 S., R. 7 W., W. M.

And said right shall be subject to all other conditions and limitations contained in said decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,

affixed this 1st day

of September, 1941

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 13871

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF)
HOWARD BARBER FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM DEER CREEK)

ORDER APPROVING
TRANSFER NO. 3784

On September 23, 1977, an application was filed in the office of the Water Resources Director by Howard Barber 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 13871, Volume 12, State Record of Water Right Certificates, in the name of T. G. Harmon, describes a right which includes the use of water from Deer Creek for irrigation of a certain 0.8 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14; 14.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 16.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 38 South, Range 7 West, W.M., with a date of priority of May 15, 1886.

Water for the said right is diverted, through the Harmon Ditch, from a point located 1130 feet North and 1150 feet East from the West quarter corner of Section 14, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 38 South, Range 7 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 1100 feet North and 650 feet East from the West quarter corner of Section 14, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 14.

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

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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 of water from Deer Creek, 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.

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 T. G. Harmon and recorded at page 13871, Volume 12, 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 10th day of October, 1977.

/s/ James E. Sexson
Director

STATE OF OREGON

CERTIFICATE NO. 44966

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That T. G. HARMON

of Grants Pass, State of Oregon, has a right to the use of
the waters of Deer Creek and Messinger Slough
for the purpose of irrigation, domestic, and stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Josephine County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 13, at page 70; that the priority
of the right thereby confirmed dates from May 15, 1886;

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 one cubic foot per
second for each 50 acres of land irrigated during the irrigation season from
April 1 to November 1 of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,
if for other purposes, the place where such water is put to beneficial use), is as follows:

0.8 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 14;
18.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
17.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 15,
T. 38 S., R. 7 W., W. M.

And said right shall be subject to all other conditions and limitations
contained in said decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use
herein described.

WITNESS the signature of the State Engineer,

affixed this 1st day
of September, 1941

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 13871