

Name Gary L. McDonald

By _____

Address 516 Copper DriveGrants Pass, OR 97526Change in POU, PODDate filed 2-16-78

Date of hearing _____

Place of hearing _____

Date of order 7-11-79 Vol. 32, page 281Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued AUG 23 1979 Vol. 41, page 48460AUG 23 1979 Vol. 42, page 43461

to survey 11/80

REMARKS

CARD FOR C NOV 4 1980

3884

DESCRIPTION OF WATER RIGHT

Name of stream Grays CreekTrib. of _____ County of Josephine

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority Aug 18, 1877, Aug 13, 1956In name of Harold D. FiferReque River Adjudication, Vol. 4, page 25App. No. 31039 Per. No. 24456 Cert. No. 27287

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-16-78</u>	<u>45-</u>	<u>1170</u>
TOTAL . . .		
<u>11-28-78</u>	<u>\$2 Cert. Fee</u>	<u>7981</u>
<u>6-18-79</u>	<u>\$2</u>	<u>11766</u>

FEES REFUNDED

Date	Amount	Check No.

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

W.R.I.S.

Assembled 7/16/85 by SLM

Entered _____ by _____

Verified _____ by _____

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HAROLD D. FIFER

of Rt. 4, Box 303, Grants Pass, State of Oregon, 97526, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Grays Creek and reservoir constructed under Permit R-1923

a tributary of Applegate River for the purpose of irrigation of 2.93 acres and supplemental irrigation of 11.2 acres

under Permit No. 24456 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 August 13, 1956

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 0.035 cubic foot per second from creek and 2.0 acre feet stored water only from reservoir

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, T. 37 S., R. 5 W., W. M., 1280 feet South and 180 feet West from the N $\frac{1}{4}$ Corner, Section 29

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 from direct flow 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 from direct flow and storage from reservoir constructed under Permit No. R-1923, and shall be still further limited to the use of stored water only on lands described as supplemental

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:

SEE NEXT PAGE

Primary
2.93 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 29
T. 37 S., R. 5 W., W. M.

Supplemental
0.1 acre SE $\frac{1}{4}$ SW $\frac{1}{4}$
7.7 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20
2.2 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
1.2 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 29
T. 37 S., R. 5 W., W. M.

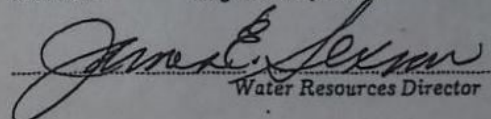
This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 27287, Volume 19, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 11, 1979, approving transfer application No. 3884 and NOT canceled by the provisions of an order of the Water Resources Director entered on July 11, 1979.

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 lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. August 23, 1979


Water Resources Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF GARY L. McDONALD FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3884

On February 16, 1978, an application was filed in the office of the Water Resources Director by Gary L. McDonald for approval of changes in place of use and point of diversion of water from Grays Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 26889, Volume 19, State Record of Water Right Certificates, in the name of Harold D. Fifer, describes a right which includes the use of not to exceed 0.013 cubic foot per second from Grays Creek for irrigation of a certain 0.8 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 37 South, Range 5 West, W.M., with a date of priority of August 18, 1877.

The certificate recorded at page 27287, Volume 19, State Record of Water Right Certificates, in the name of Harold D. Fifer, describes a right which includes the use of not to exceed 0.075 cubic foot per second from Grays Creek for irrigation of a certain 5.87 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.3 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 37 South, Range 5 West, W.M., with a date of priority of August 13, 1956.

The authorized point of diversion for said rights is located 1280 feet South and 180 feet West from the North Quarter Corner of Section 29, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 37 South, Range 5 West, W.M.

The applicant herein proposes to change the place of use for a portion of said rights and to change the point of diversion for said rights, without loss of priority, by transferring the use of water with the priority date of August 18, 1877 to irrigation of a certain other 0.8 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29, and by transferring the use of water with the priority date of August 13, 1956 to irrigation of a certain other 5.87 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29, and to irrigate these lands from a point of diversion located 1320 feet South and 90 feet West from the North Quarter Corner of Section 29, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 37 South, Range 5 West, W.M.

Mr. Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are 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 rights.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment 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;

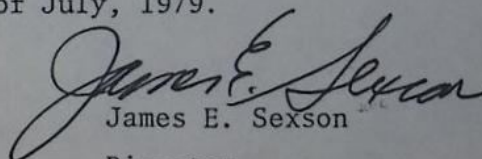
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1980.

An order of the Water Resources Director entered July 11, 1979, provided for cancellation of a portion of the right described by certificate recorded at page 27287, Volume 19, State Record of Water Right Certificates.

It is FURTHER ORDERED that the certificates recorded at pages 26889 and 27287, Volume 19, State Record of Water Right Certificates, are canceled; and in lieu thereof two new certificates be issued covering the balance of the rights NOT involved in this proceeding and NOT canceled by the order of the Water Resources Director entered July 11, 1979; 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 11th day of July, 1979.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF HAROLD D. FIFER)

O R D E R

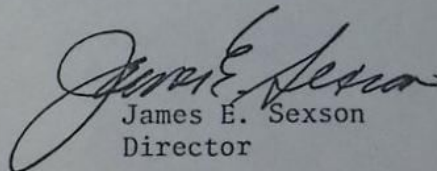
On July 9, 1979, Gary L. McDonald submitted an affidavit that he is the owner of a certain water right and the lands to which the water right is appurtenant; that he has abandoned any and all interest in and to said water right and requests the same be canceled.

The water right in question is a portion of the right described by the certificate recorded at page 27287, Volume 19, State Record of Water Right Certificates, in the name of Harold D. Fifer, and is for the use of stored water from the reservoir constructed under permit No. 1923, with a date of priority of August 13, 1956, for supplemental irrigation of a certain 0.8 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 37 South, Range 5 West, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by certificate recorded at page 27287, Volume 19, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon this 11th day of July, 1979.


James E. Sexson
Director

App. 31039

728

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HAROLD D. FIFER

of Route 4 Box 303, Grants Pass, 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 Grays Creek & reservoir constructed under App. #R-31038, Permit #R-1923, a tributary of Applegate River, for the purpose of irrigation of ~~2.93~~ ^{11.2} acres & supplemental irrigation of 12.0 acres,

under Permit No. 24456 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 August 13, 1956,

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 ~~0.41~~ ^{0.035} cubic feet per second from creek & 2.0 acre feet ~~x~~ stored water, ^{from Reservoir}

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 37 South, Range 5 West, W.M., ^{1280'S E 180'W from the N $\frac{1}{4}$ cor Sec 29}

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 from direct flow 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 from direct flow and storage from reservoir constructed under Permit No. R-1923, and shall be still further limited to the use of stored water only on lands described as supplemental,

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:

Prim.	Suppl.				
	0.1	acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$		
	7.7	acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$		
	2.2		Section 20		
2.93	8.8		acres NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.87 primary	0.8 supplemental
	1.2		acres NE $\frac{1}{4}$ NW $\frac{1}{4}$		
0.3			acres SW$\frac{1}{4}$ NE$\frac{1}{4}$	0.3 primary	
			Section 29	6.17	
			Township 37 South, Range 5 West, W.M.	0.075 sfs	

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 27287, Volume 19, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 11, 1979, approving transfer application No. 3884 and Not canceled by the provisions of an order of the Water Resources Director entered on July 11, 1979. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

WITNESS the signature of the State Engineer, affixed

this date. July 11, 1960

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page 27287

AUG 23 1979

48460

T-3884

$$\frac{0.11}{9.1} = \frac{0.075}{6.17} = \frac{0.035}{2.93}$$

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HAROLD D. FIFER, Route 4, Box 303

of Grants Pass, State of Oregon, has a right to the use of

the waters of Grays Creek, a tributary of Applegate River

for the purpose of irrigation of ^{11.2}~~22~~ acres and stock use

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 4, at page 1; that the priority of the right thereby confirmed dates from August 18, 1877;

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 ~~0.20~~ cubic foot per second. 0.187

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:

0.1 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
7.7 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20,
2.2 ~~3.0~~ acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$
1.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 29,
Township 37 South, Range 5 West, W. M.

NOTE: This certificate is issued to confirm a change in place of use of water approved by orders of the State Engineer entered July 17, 1957 and March 18, 1960, pursuant to the provisions of ORS 540.510 to 540.530, and supersedes certificate of water right issued to Protected Cove Orchards and recorded at page 16284, Volume 13, State Record of Water Right Certificates.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 26889, Volume 19, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 11, 1979, approving transfer application No. 3884.

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 State Engineer, affixed

this 15th day of April, 1960.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page 26889.

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