

Name Patrick J. Cunningham

By \_\_\_\_\_

Address P O Box 282Applegate, OR 97530Change in POU & PODDate filed August 16, 1977Date of hearing Oct 19, 1977Place of hearing MedfordDate of order 10-19-77 Vol. 29, page 479Date for application of water 10-1-79

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

RP DEC 19 1977 Vol. 37, page 45053  
 Certificate issued JUL 23 1979 Vol. 41, page 48359  
 Confirm Cert. JUL 23 1979

*to survey 11/77*  
*7-11-79*

## REMARKS

See also 3753 &amp; 4

Form 130 sent JUN 11 1979

## DESCRIPTION OF WATER RIGHT

Name of stream Applegate RiverTrib. of \_\_\_\_\_ County of JacksonUse Irr.

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch S. H. CookDate of priority July 21, 1916In name of Hester Layton

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. 5069 Per. No. 3031 Cert. No. 5312

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>8-16-77</u>	<u>45 -</u>	<u>63267</u>
TOTAL . . .		
<u>10-13-77</u>	<u>#2 Cert. Fee</u>	<u>63265</u>
<u>7-10-79</u>	<u>2.00</u>	<u>12737</u>

## FEES REFUNDED

Date	Amount	Check No.

Exam 20  
 POU 10  
 POD 15  
45

TO BE ENTERED WHERE CHECKED	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.		_____	_____
<input checked="" type="checkbox"/>	Calendar		<u>leg</u>	_____
<input checked="" type="checkbox"/>	Twp. & Rge.		<u>leg</u>	_____
<input type="checkbox"/>	Decree-vault		_____	_____
<input type="checkbox"/>	Decree-safe		_____	_____
<input checked="" type="checkbox"/>	Cert. of W/R		<u>✓</u>	_____
<input checked="" type="checkbox"/>	Per. Folder		<u>✓</u>	_____
<input type="checkbox"/>	Chaindex		_____	_____
<input type="checkbox"/>	Cross Ref.		_____	_____
<input type="checkbox"/>	Power Claim		_____	_____
<input checked="" type="checkbox"/>	Abstracts		<u>leg</u>	_____

W.R.I.S.

Assembled 12/7/84 by CLH

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_



need \$200

OK

OK when  
I have

SUPERSEDED

CERTIFICATE NO. 45053

## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This is to Certify, That ~~Lester Layton~~ Patrick J. CunninghamP.O. Box 282  
~~Murphy~~ Applegate, State of Oregon 97530, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
Applegate Rivera tributary of Rogue River for the purpose of irrigation of 8<sup>63</sup> acres  
under Permit No. 3031 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 July 21, 1916;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  
0.68 cubic foot per second.  
0.11The use hereunder for irrigation shall conform to such reasonable rotation system as may be  
ordered by the proper state officer.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 in case of rotation.A description of the lands irrigated under the right hereby confirmed, and to which such  
right is appurtenant (or, if for other purposes, the place where the water is put to beneficial  
use), is as follows: Twenty-one and 9/100 (21.09) acres in the Southwest Quarter  
of the Northwest Quarter (SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>) of Section Twenty-one (21); Eleven and 87/100  
(11.87) acres in the Southeast Quarter of the Northeast Quarter (SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>), and  
Twenty-one and 63/100 (21.63) acres in the Northeast Quarter of the Northeast  
Quarter (NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) of Section Twenty (20), Township Thirty-eight South, Range  
Four West of the Willamette Meridian, in Jackson County, Oregon, being a total  
of 54.59 acres.8<sup>63</sup> acres  
NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
T. 38 S, R. 4 W, WmThis certificate is issued to confirm a change in place of use and point  
of diversion approved by an order of the Water Resources Director entered  
Oct. 19, 1977 and together with certificate of water right recorded on page  
45053, Volume 37, SRWRC supersedes certificate of water right recorded on  
page 5312, Volume 6, SRWRC.

use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from  
the date of priority of the right, as herein set forth, subject to a preference right of renewal under  
the laws existing at the date of the expiration of the right for power purposes, as hereby con-  
firmed and limited.

WITNESS the signature of the State Engineer,

affixed this 2nd day  
of February, 1925.Rhea Luper,  
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 6, page 5312.

T#3755

P.O.D.: NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec 21 T. 38 S, R. 4 W, Wm.  
1280 ft 5 and 770 ft E from the N<sup>1</sup>/<sub>4</sub> Cor Sec 21



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
PATRICK J. CUNNINGHAM FOR APPROVAL )  
OF CHANGES IN PLACE OF USE AND POINT )  
OF DIVERSION OF WATER FROM APPLE- )  
GATE RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3755

On August 16, 1977, an application was filed in the office of the Water Resources Director by Patrick J. Cunningham for changes in place of use and point of diversion under an existing water right of record, pursuant to ORS 540.510 to 540.530.

The certificate recorded at page 5312, Volume 6, State Record of Water Right Certificates, in the name Lester Layton, describes a right which includes the use of not to exceed 0.11 cubic foot per second from Applegate River for irrigation of a certain 8.63 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20, Township 38 South, Range 4 West, W.M., with a date of priority of July 21, 1916.

Water for the said right is diverted, through the Cook Ditch, from a point located 1090 feet South and 220 feet West from the Northeast corner of Section 21, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, Township 38 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof, a certain 8.63 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 38 South, Range 4 West, W.M., from a point of diversion located 1300 feet South and 1850 feet West from the Northeast corner of Section 21, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 21.



Notice of the application, pursuant to ORS 540.510, was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, of a period of three weeks in the issues of August 25, September 1 and 8, 1977.

Mr. David C. Hendrix, 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 from Applegate River, 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 right, and shall not exceed 0.11 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 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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979.



It is FURTHER ORDERED that the certificate of water right heretofore issued to Lester Layton and recorded at page 5312, Volume 6, 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 October, 1977.

/s/ James E. Sexson  
Director





NOTICE OF WATER RIGHT  
TRANSFER APPLICATIONS  
NO. 3753, 3754 & 3755

Notice is given hereby that three applications have been filed in the office of the Water Resources Director by Patrick J. Cunningham for approval of changes in place of use and point of diversion from Applegate River.

The certificate recorded at page 16245, Volume 13, State Record of Water Right Certificates, in the name of Nancy Pernoll, describes a right which includes the use of not to exceed 1.25 cubic feet per second from Applegate River for irrigation of 10.0 acres in SW 1/4 NE 1/4, 10.0 acres in SE 1/4 NE 1/4 and 20.0 acres in NE 1/4 SE 1/4 of Section 17; 10.0 acres in NW 1/4 SW 1/4 of Section 16, Township 38 South, Range 4 West, WM, with a date of priority of 1886.

Water for the said right is diverted, through the Cook Ditch, from a point located 1090 ft. S and 220 ft. W from the NE corner of Sec 21, being within the NE 1/4 NE 1/4 of Sec 21, T 38 S, R 4 W, WM.

The applicant herein, owner of the lands above described by application No. 3753, proposes, without loss of priority, to sever the right from a certain 10.0 acres in SW 1/4 NE 1/4, 9.3 acres SE 1/4 NE 1/4 and 4.0 acres in NE 1/4 SE 1/4 of Sec 17 and to irrigate, in lieu thereof, a certain 7.0 acres in NW 1/4 SW 1/4 of Section 16; 10.1 acres in NE 1/4 SE 1/4 and 6.2 acres in SE 1/4 SE 1/4 of Sec 17, T 38 S, R 4 W, WM. The applicant also proposes to change the point of diversion for all said lands to a point located 1450 ft N and 1450 ft W from the SE corner of Sec 17, being within the NW 1/4 SE 1/4 of said Sec 17.

The certificate recorded at page 32889, Volume 24, State Record of Water Right Certificates, in the name of Estate of Nancy Pernoll, describes a right for the use of not to exceed 0.60 cubic foot per second from Applegate River for irrigation of 7.0 acres in NW 1/4 SW 1/4 of Sec 16; 12.9 acres in SW 1/4 NE 1/4 and 10.1 acres in NE 1/4 SE 1/4 of Sec 17, T 38 S, R 4 W, WM, with a date of priority of 1906.

Water for the said right is diverted, through Cook Ditch, as described above.

The applicant herein, owner of the lands above described, by application No. 3754, proposes, without loss of priority, to sever the right from a certain 7.0 acres in NW 1/4 SW 1/4 of Sec 16 and 10.1 acres in NE 1/4 SE 1/4 of Sec 17 and to irrigate, in lieu thereof, a certain 8.3 acres in SW 1/4 NE 1/4, 3.1 acres in SE 1/4 NE 1/4, 3.7 acres in NE 1/4 SE 1/4 and 2.0 acres in NW 1/4 SE 1/4 of said Sec 17. The applicant also proposes to change the point of diversion for all of said lands to a point located 1450 ft N and 1450 ft W from the SE corner of Sec 17, being within the NW 1/4 SE 1/4 of said Sec 17.

The certificate recorded at page 5312, Volume 6, State Record of Water Right Certificates, in the name of Lester Layton, describes a right which includes the use of not to exceed 0.11 cubic foot per second from Applegate River for irrigation of a certain 8.63 acres in NE 1/4 NE 1/4 of Sec 20, T 38 S, R 4 W, WM, with a date of priority of July 21, 1916.

Water for the said right is diverted, through Cook Ditch, as described above.

The applicant herein, owner of the lands above described, by application No. 3755, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof, a certain 8.63 acres in NW 1/4 NW 1/4 of Sec 21, T 38 S, R 4 W, WM, from a point of diversion located 1300 ft S and 1850 ft W from the NE corner of Sec 21, being within the NW 1/4 NE 1/4 of said Sec 21.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on October 19, 1977, at 9:30 a.m. All objections to the proposed changes, 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 Patrick J. Cunningham, P.O. Box 282, Applegate, OR 97530, 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 18th day of August, 1977.

James E. Sexson  
Director

Affidavit of Publication

SEP 12 1977

WATER RESOURCES DEPT  
SALEM, OREGON

State of Oregon, }  
County of Jackson } ss.

1. Sharon J. Morris, being first duly

sworn, depose and say that I am the

(OWNER, EDITOR, PUBLISHER, MANAGER.)

Principal Clerk

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state;

that the Notice of water right transfer application

# 3743, 3754, 3755

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 Aug. 25, Sept. 1, 8, 1977

(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sharon J. Morris

Subscribed and sworn to before me this 8th day of Sept., 1977

James J. Osborn  
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981