

3969

Name John Lathrop
By _____
Address 100 Kincaid Road
Williams, OR 97544

Change in POD
Date filed June 8, 1978
Date of hearing Jan 16, 1979
Place of hearing Grants Pass
Date of order 3-20-79 Vol. 31 page 711
Date for application of water 10-1-80 ^{Ext:} 10-1-81
Proof mailed _____
Proof received _____
Certificate issued APR 23 1979 ⁴¹ ₄₈ 52995 52996 52997
APR 25 1985

DESCRIPTION OF WATER RIGHT

Name of stream Munger Creek
Trib. of _____ County of Josephine
Use _____
Quantity of water _____ No. of acres _____
Name of ditch Gibson & McGee
Date of priority 1877
In name of _____
Rogue River Adjudication, Vol. 4, page 28
App. No. _____ Per. No. _____ Cert. No. 16344
16349
16350
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-8-78</u>	<u>85-</u> <u><2.00></u>	<u>3538</u>
TOTAL . . .		
<u>12-14-78</u>	<u>\$ 2 Cert. Fee</u>	<u>Tot Fr 3538</u>
<u>Daily Courier \$49.50 pd 12/14/78 ch # 3969</u>		

FEES REFUNDED

Date	Amount	Check No.
Ex 20- POD 15- Cert 2- PON 49.50 <u>86.50</u>		

REMARKS

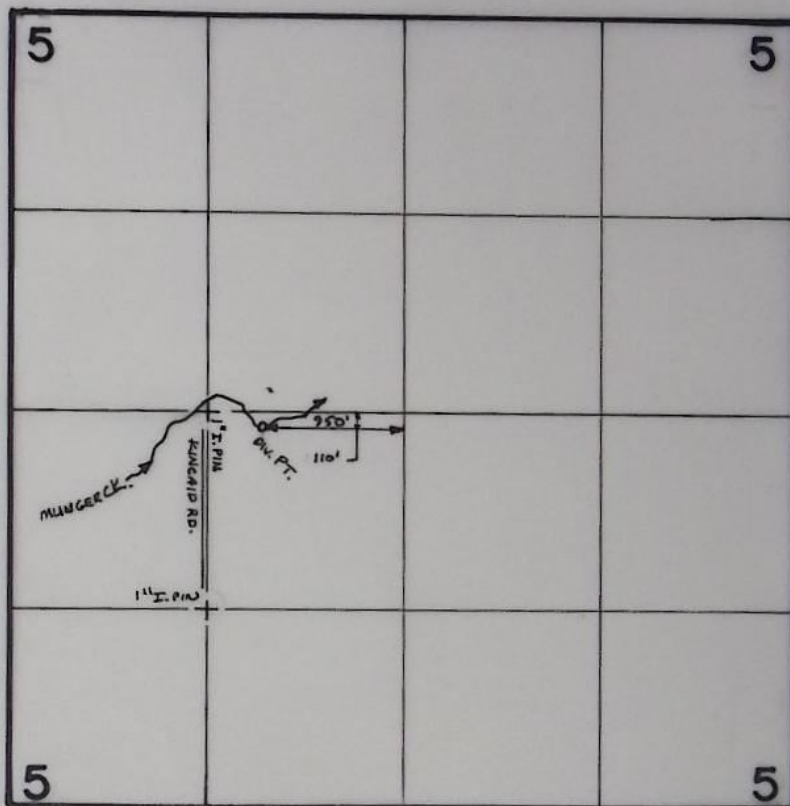
W.R.I.S.

Assembled _____ by _____
Entered _____ by _____
Verified _____ by _____

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	☒ Name	<u>Qcj</u>	_____
	☒ Stream	<u>Qcj</u>	_____
	☒ Pt. of Div.	<u>Qcj</u>	_____
	☒ Calendar	<u>Qcj</u>	_____
	CHECKED TO RECORD:		
	☒ Twp & Rge.	<u>Qcj</u>	_____
	☒ Decree-vault	<u>Qcj</u>	_____
	☒ Decree-same	<u>Qcj</u>	_____
	☒ Cert. of W/R	<u>Qcj</u>	_____
	☒ Per. holder	<u>Qcj</u>	_____
	☒ Chindex	_____	_____
	☒ Cross Ref.	_____	_____
	☒ Power Claim	_____	_____
	☒ Abstracts	<u>Qcj</u>	_____

Lathrop 3
17

T. 39S., R. 5W., W.M.



SCALE : 1" = 1320'

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3969
Application No. Permit No.
IN NAME OF

JOHN LATHROP

Surveyed AUG. 14, 1984, by B.S. JAMES

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOHN LATHROP FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM MUNGER CREEK)

ORDER APPROVING
TRANSFER NO. 3969

On June 8, 1978, an application was filed in the office of the Water Resources Director by John Lathrop for approval of a change in point of diversion of water from Munger Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16344, Volume 13, State Record of Water Right Certificates, in the name of William Carl, describes a right for the use of not to exceed 0.5 cubic foot per second from Munger Creek for stock and for irrigation of a certain 30.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 39 South, Range 5 West, W.M., with a date of priority of February, 1877.

The certificate recorded at page 16349 of said Volume, in the name of J. S. Moomaw, describes a right which includes the use of not to exceed 0.05 cubic foot per second from Munger Creek for stock use and for irrigation of a certain 3.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 39 South, Range 5 West, W.M., with a date of priority of February, 1877.

The certificate recorded at page 16350 of said Volume, in the name of Jacob P. Moomaw, describes a right for the use of not to exceed 0.14 cubic foot per second from Munger Creek for stock and for irrigation of a certain 8.25 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 39 South, Range 5 West, W.M., with a date of priority of February, 1877.

The authorized point of diversion for said rights, through the Gibson and McGee Ditch, is stated as being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 39 South, Range 5 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 12 feet North and 800 feet West from the Center Corner of Section 5, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 39 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of November 22 and 29 and December

V31, P711

6, 1978.

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 diverted at the old point of diversion under the subject rights, and shall not exceed 0.69 cubic foot per second.

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;

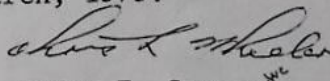
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 16349, Volume 13, State Record of Water Right Certificates, be 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.

It is FURTHER ORDERED that the certificates of water right recorded at pages 16344 and 16350, Volume 13, State Record of Water Right Certificates, are 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 20th day of March, 1979.

By 
James E. Sexson
Director

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That John Lathrop

100 Kincaid Rd
of Williams

, State of Oregon 97544, has a right to the use of

the waters of Hunger Creek, a tributary of West Fork of Williams Creek

for the purpose of irrigation of 6 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 Feb. 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 0.05 cubic foot per second, if available at the original point of diversion

CA Sec 6 T39S R5W W1M, Gibson & McGee Ditch

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:

Stock & 6 acres in NW 1/4 Sec 5
Section 5,
T. 39 S., R. 5 W., W. 11.

POD: ac Sec 5 T39S R5W W1M,
110'S & 950' W from C 1/4 cor Sec 5

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered 3-20-79 and together with certificate of water right recorded on Page 47813, Volume 41, SRWRC supersedes certificate of water right recorded on Page 16349, Volume 13, SRWRC.

The issuance of this superseding certificate does not confirm the status of etc 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 30 day of September, 19 79.

CHAS. L. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16349

52995

7207C

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~William Carl~~ ^{John Lathrop} of ~~Williams~~ ^{100 Knicaid Rd} State of Oregon 97544, has a right to the use of the waters of Munger Creek, a tributary of West Fork of Williams Creek for the purpose of irrigation of 30 acres and Stock 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 Feb. 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 0.50 cubic foot per second, if available at the original point of diversion; ca sec 6

T39S RSW 1/4, Gibson and McGee Ditch

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:

Stock & 30 acres in NE 1/4 SW 1/4
Section 5,
T. 39 S., R. 5 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered 3-20-79 and supersedes certificate of water right recorded at page 16344, Volume 13, 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.

WITNESS the signature of the State Engineer, affixed

this 30 day of September, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16344

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That John Lathrop100 Kmcaid Rdof WilliamsCounty, State of Oregon 97544, has a right to the use ofthe waters of Munger Creek, a tributary of West Fork of Williams Creekfor the purpose of irrigation of 8.25 acres, and Stock useand 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 Feb. 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 0.14 cubic foot per second, if available at the original point of diversion, ca Sec 6T395 R5W Wm, Gibson and McGee Ditch

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:

Stock & 8.25 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5,T. 39 S., R. 5 W., W. M.This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered 3-20-79 and supersedes certificate of water right recorded at page 16350, Volume 13, 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.

WITNESS the signature of the State Engineer, affixed

at Medford this 30 day of September, 1949.CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16350

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. S. Moomaw

of Williams, State of Oregon, has a right to the use of

the waters of Munger Creek, a tributary of West Fork of Williams Creek

for the purpose of irrigation of ^{3.0} 6 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 Feb. 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 ~~0.10~~ ^{0.05} cubic foot per second.

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:

3.0 ~~6~~ acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 5,
T. 39 S., R. 5 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 16349, Volume 13, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on March 20, 1979, approving transfer application No. 3969.

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 30 day of September, 1979.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, W, page 16349

T-3969

POD: Gibson & McGee Ditch - Section 6 T 39 S R 5 W W M

LEGAL NOTICE

**NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3969**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by John Lathrop for approval of a change in point of diversion from Munger Creek, pursuant to the provisions of ORS 540.510 to 504.530.

The certificate recorded at page 16344, Volume 13, State Record of Water Right Certificates, in the name of William Carl, describes a right for the use of not to exceed 0.5 cubic foot per second from Munger Creek for stock and for irrigation of a certain 30.0 ac in NE 1/4 SW 1/4 of Sec 5, T 39S, R 5W, WM, with a date of priority of Feb., 1877.

The certificate recorded at page 16349 of said Volume, in the name of J.S. Moomaw, describes a right which includes the use of not to exceed 0.05 cfs from Munger Cr for stock use and for irrigation of a certain 3.0 ac in NW 1/4 SE 1/4 of Sec 5, T 39S, R 5W, WM, with a date of priority of Feb., 1877.

The certificate recorded at page 16350 of said Volume, in the name of Jacob P. Moomaw, describes a right for the use of not to exceed 0.14 cfs from Munger Cr for stock and for irrigation of a certain 8.25 ac in NE 1/4 SW 1/4 of Sec 5, T 39S, R 5W, WM, with a date of priority of Feb., 1877.

The authorized point of diversion for said rights, through the Gibson and McGee Ditch, is stated as being within the SW 1/4 NE 1/4 of Sec 6, T 39S, R 5W, WM.

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 12 ft N & 800 ft W from the Center Corner of Sec 5, being within the SE 1/4 NW 1/4 of Sec 5, T 39S, R 5W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on January 16, 1979, at 9:30 a.m. All objections to the proposed change, 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 John Lathrop, 100 Kincaid Rd, Williams, OR 97544; 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 Dept. upon request.

Dated at Salem, Oregon this 17th day of November, 1978.

JAMES E. SEXSON
Director

No. 10 — Nov. 22, 29 & Dec. 6, 1978

RECEIVED

AFFIDAVIT OF PUBLICATION DEC 7 1978

**WATER RESOURCES DEPT.
SALEM, OREGON**

State of Oregon }
County of Josephine } ss.

I, Charles J. Moore, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Grants Pass Daily Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the **NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3969**, 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 November 22, 29 & December 6, 1978

Subscribed and sworn to before me this 6th day of December, 19 78

A Kathleen Zehner
Notary Public of Oregon.

My commission expires 4th day of February, 19 80