

3928

Name Jean Mount & Nick Taylor

DESCRIPTION OF WATER RIGHT

By _____

Address 2678 Riverbanks Rd. &3624 Helm Rd.Grants Pass, Or. 97526Change in P O DDate filed April 10, 1978Date of hearing July 19, 1978Place of hearing Grants Pass✓ Date of order 7-30-78 Vol. 31, page 69Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued AUG 24 1978 Vol. 38, page 46274FEB 18 1987to survey 12/79Name of stream Applegate RiverTrib. of Rogue River County of JosephineUse irrigationQuantity of water _____ No. of acres 13

Name of ditch _____

Date of priority 1897In name of John H. RobinsonRogue River Adjudication, Vol. 4, page 23 col. 3
& Trans. 5-123App. No. _____ Per. No. _____ Cert. No. 16251

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-10-78</u>	<u>83.00</u>	<u>2081</u>
TOTAL . . .		
<u>4-10-78</u>	<u>\$2 Cert. Fee</u>	<u>2081</u>
<u>The Daily Courier \$39.11 pd 6/23/78 ch # 2403</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>6-23-78</u>	<u>\$89</u>	<u>2404</u>
Ex	20 -	
POD	15 -	
Cert	2 -	
POD	39 11	
	<u>76 11</u>	

REMARKS

W.R.I.S.

Assembled 5-15-83 by SM

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

	Entered	Checked
✓ Name	<u>lg</u>	_____
✓ Stream	<u>lg</u>	_____
✓ Pt. of Div.	<u>lg</u>	_____
✓ Calendar	<u>lg</u>	_____
CHECKED TO RECORD		
✓ Trp. & Rec.	<u>lg</u>	_____
✓ De. res. val.	<u>lg</u>	<u>lg</u>
✓ De. res. safe	<u>lg</u>	_____
✓ Cert. of W.R.	<u>lg</u>	<u>lg</u>
✓ Per. Policy	_____	_____
✓ Calendar	_____	_____
✓ Cross Ref.	_____	_____
✓ Paper (Index)	_____	_____
✓ Abstracts	<u>lg</u>	_____

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF JEAN MOUNT & NICK TAYLOR FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3928

On April 10, 1978, an application was filed in the office of the Water Resources Director by Jean Mount and Nick Taylor for approval of a change in point of diversion from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16251, Volume 13, State Record of Water Right Certificates, in the name of John H. Robinson, describes a right which includes the use of not to exceed 0.33 cubic foot per second from Applegate River for irrigation of 13.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 37 South, Range 6 West, W.M., with a date of priority of 1897.

Water for the said right is diverted, through the Jess Ditch, from a point located 780 feet North and 800 feet East from the Southwest Corner of Section 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 37 South, Range 6 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 650 feet South from the North Quarter Corner of Section 6, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 37 South, Range 6 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 May 26; June 2 and 9, 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 available at the original point of diversion under the subject right, located 1300 feet South and 120 feet East from the North Quarter Corner of Section 8, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 37 South, Range 6 West, W.M., and shall not exceed 0.33 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:

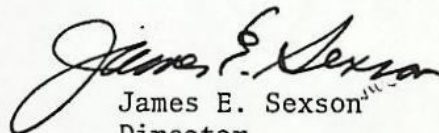
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1979.

It is FURTHER ORDERED that the certificate of water right recorded at page 16251, Volume 13, 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 applicants herein.

Dated at Salem, Oregon this 20th day of July, 1978.


James E. Sexson
Director

cat
60

STATE OF OREGON

DO W/61840

T-3922

46224

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Jean Mount & Nick Taylor

2678 Riverbanks Rd

John H. Robinson

of Grants Pass,

, State of Oregon

97526

, has a right to the use of

the waters of Applegate River, a tributary of Rogue River

for the purpose of irrigation of 3/4 acres

13.0

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 1897;

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 0.85 cubic foot per second, if available at the original point of diversion; 0.33

Jess Ditch - 780' N & 800' E from SW cor Sec 5

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:

13.0 27 acres in NW 1/4 NE 1/4
7 acres 'n SW 1/4 NE 1/4
Section 6,
T. 37 S., R. 6 W., W. M.

POD ba sec 6 T37S R6W W/1
630' S & 20' E from N 1/4 cor Sec 6

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered July 20 1978, and together with certificate of water right recorded at page 46274, Volume 38, State Record of Water Right Certificates, supersedes certificate 46251.

The issuance... (glossary I)

79651

55623

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That. John H. Robinson

of Grants Pass, , State of Oregon ^{975²⁶}, has a right to the use of
the waters of Applegate River, a tributary of Rogue River

for the purpose of irrigation of $\frac{34}{21}$ acres

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 1897;

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 ~~0.85~~ cubic foot per second, ^{0.52}

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T. 37 S., R. 6 W., W. M., 780 feet North and 800 feet East from the Southwest Corner of Section 5

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:

14 ~~27~~ acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 6,

T. 37 S., R. 6 W., W. M.

Ch. Pt. of Div.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 16251, Volume 13, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 20, 1978, approving transfer application No. 3928

and confirms a change in point of diversion as allowed by the provisions of an order of the State Engineer ^{WRD} entered on May 24, 1960, approving transfer application No. 5-123

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, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16251

RECEIVED

JUN 12 1978

LEGAL NOTICE

NOTICE OF WATER RIGHT
TRANSFER APPLICATION

No. 3928

Notice is given hereby that application has been filed in the office of the Water Resources Director by Jean Mount & Nick Taylor for approval of a change in point of diversion from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16251, Volume 13, State Record of Water Right Certificates, in the name of John H. Robinson, describes a right which includes the use of not to exceed 0.33 cubic foot per second from Applegate River for irrigation of 13.0 ac with NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 6, T 37S, R 6W, WM, with a date of priority of 1897. Water for the said right is diverted, through the Jess Ditch, from a point located 780 ft N & 800 ft E from the SW Corner of Sec 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 5, T 37S, R 6W, 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 650 ft S from the N $\frac{1}{4}$ Corner of Sec 6, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 6, T 37S, R 6W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on July 19, 1978, 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 Jean Mount & Nick Taylor, 3624 Helm Road, Grants Pass, OR 97526; 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. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 22nd day of May, 1978.

James E. Sexson
Director

No. 118—Fri.—May 26, June 2 & 9, 1978

WATER RESOURCES DEPT. AFFIDAVIT OF PUBLICATION
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, 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 Fri. - May 26, June 2 & 9, 1978 *

Charles J. Moore
Subscribed and sworn to before me this 9th day of

June, 1978

St. Kathleen Zahner
Notary Public of Oregon.

My commission expires 4th day of February, 1980.

OK
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