

Name Harry A. & Peggy Larke

4254

DESCRIPTION OF WATER RIGHT

By _____

Address 2955 Quartz Creek Rd.Merlin Or. 97532Change in P O DDate filed July 13, 1979

Date of hearing _____

Place of hearing _____

Date of order 8-31-79 Vol. 32, page 373Date for application of water 10-1-80

Proof mailed _____

Proof received FEB 1 1986Certificate issued Vol. 42, page 48979MAR 21 19864954052to survey 9/79Name of stream Quartz CreekTrib. of _____ County of JosephineUse irrigationQuantity of water _____ No. of acres 6.2

Name of ditch _____

Date of priority 1886In name of Carolina A. EarleReque River Adjudication, Vol. 4, page 352nd
originally Cert. 1899App. No. _____ Per. No. _____ Cert. No. 4729221

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>7-13-79</u>	<u>35.00</u>	<u>12802</u>
TOTAL . . .		
<u>7-24-79</u>	<u>\$2</u> Cert. Fee	<u>13013</u>

FEES REFUNDED

Date	Amount	Check No.
<u>1-18-80</u>	<u>2.00</u>	<u>4037 cert. fee</u>

REMARKS

W.R.I.S.

Assembled 3-8-85 by SM

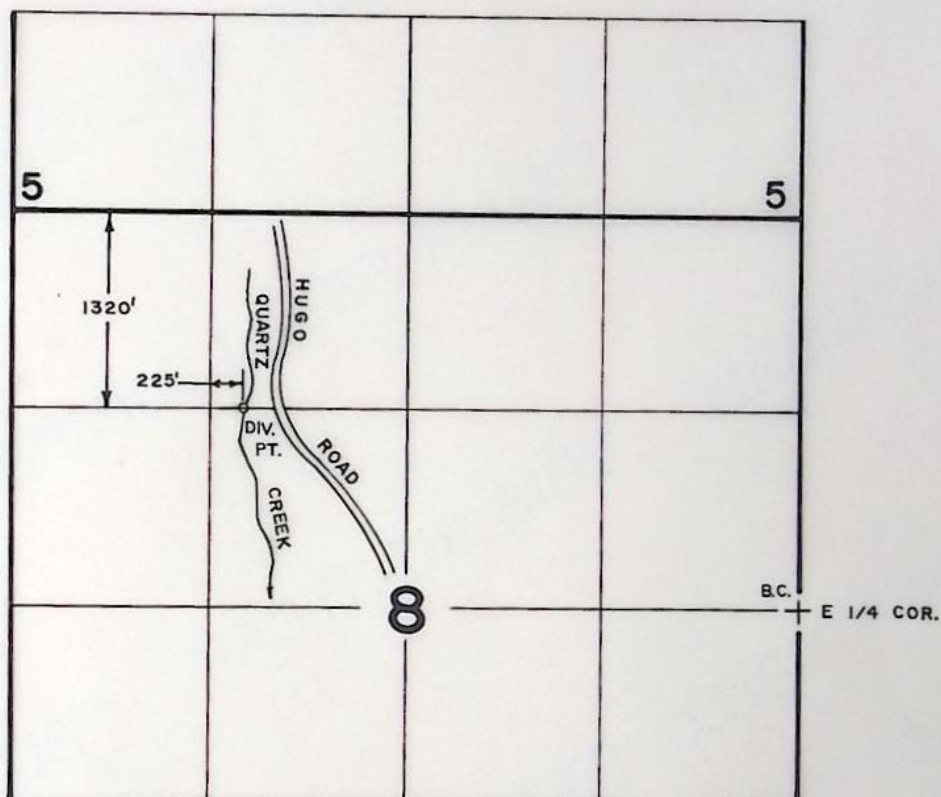
Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Checked
	Entered	Checked	
<input checked="" type="checkbox"/>	Name	<u>Dej</u>	___
<input checked="" type="checkbox"/>	Stream	<u>Dej</u>	___
<input checked="" type="checkbox"/>	Pt. of Div.	<u>Dej</u>	___
<input checked="" type="checkbox"/>	Calendar	<u>Dej</u>	___
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>524</u>	___
<input checked="" type="checkbox"/>	Decree-vault	<u>WJO</u>	___
<input checked="" type="checkbox"/>	Decree-safe	<u>Dej</u>	___
<input checked="" type="checkbox"/>	Cert. of W/R	<u>WJO</u>	<u>Dej</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>Dej</u>	___

Larke
448

T. 35 S., R. 6 W., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 4254

Application No. Permit No.
IN NAME OF

.....**HARRY A. & PEGGY LARKE**.....

Surveyed **SEPT. 28** 19.**82**, by **B. SUZIE JAMES**

SCALE: 4" = 1 MILE

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF HARRY A. & PEGGY LARKE FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4254

On July 13, 1979, an application was filed in the office of the Water Resources Director by Harry A. and Peggy Larke for approval of a change in point of diversion, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 47292, Volume 40, State Record of Water Right Certificates, in the name of Carolina A. Earle, describes a right which includes the use of not to exceed 0.10 cubic foot per second from Quartz Creek for irrigation of a certain 6.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 35 South, Range 6 West, W.M., with a date of priority of 1886.

Water for the said right is diverted from a point located 120 feet South and 130 feet West from the Northeast Corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 8.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 1300 feet South and 70 feet East from the Northeast Corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 35 South, Range 6 West, W.M.

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 old point of diversion under the subject right.

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:

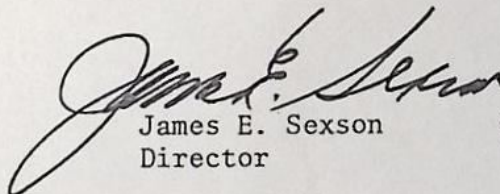
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 recorded at page 47292, Volume 40, 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 31st day of August, 1979.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

HARRY A. and PEGGY LARKE

of 2955 Quartz Creek Road, Merlin
a right to the use of the waters of Quartz Creek

, State of Oregon 97532 , has

a tributary of Jumpoff Joe Creek
irrigation of 6.9 acres

for the purpose of

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 WATER RESOURCES DIRECTOR, in Volume 4 , at page 1 ; that the priority of the right thereby confirmed dates from 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 0.1 cubic foot per second, if available at the original point of diversion in NW 1/4 NW 1/4, Section 8, T35S, R6W, WM; 120 feet South and 130 feet West from NE Corner, NW 1/4 NW 1/4, Section 8.

The point of diversion is located in the NE 1/4 NW 1/4, Section 8, T35S, R6W, WM; 1320 feet South and 225 feet East from NW Corner, NE 1/4 NW 1/4, Section 8.

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

6.9 acres NW 1/4 NW 1/4
Section 8
Township 35 South, Range 6 West, WM

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered August 31, 1979, and together with certificate of water right recorded at page 48979, Volume 42, State Record of Water Right Certificates, supersedes Certificate 47292.

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.

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 March 21

, 19 86 .

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 49 , page 54052

3042D/TS
T4254

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN: (PO

POD
POU
USE
Add'l POD

Transfer NO. 4254

County Josephine

Old Certificate NO. 47292

1. Name Harry A. & Peggy Larké ✓
Address 2955 Quarry Cr. Rd, Merlin, Or 97532 ✓

2. Source of Supply Quartz Creek ✓, Trib of JUMPOFF JOE CR.
TRIB. OF ROGUE RIVER

3. Use irrigation ✓

4. Amount of Water 0.10 cfs Priority Date 1986

5. Proposed Point of Diversion $\overset{1320'}{\text{300' S}} \overset{225'}{\text{70' E}}$ from NE Corner of NW⁴NW⁴ of Sec 8, w/in NE⁴NW⁴, Sec 8, T35S, R6W, W.M.

6. Completion Date 10-1-80

7. Place of Use:

[illegible]

INFO: NAME: JOHN PILLER (NEW OWNER SINCE FALL 1980)
 ADDRESS: 2955 QUARTZ CR.D., MERLIN, OR 97532

TALKED TO: JOHN

SOURCES: QUARTZ CREEK.

SYSTEM: DIRECTLY PUMP FROM CREEK

PUMP: MAKE: BERKELEY

TYPE: CENT.

SUCTION SIZE: 3"

DISCHARGE SIZE: 2"

MODEL NO.: 1/2 TPH

RATING:

MOTOR: MAKE: CENTURY

TYPE: ELEC.

HP: 5

RPM: 3500

Pump @ 50 PSI

$$\frac{(6.60)(5)}{(12') + 127} = .237 \text{ CFS}$$

Sprinklers:

$$\frac{(12)(5)}{450} = .133 \text{ CFS}$$

CONNECTED DIRECT OR PULLEYS:

SPRINKLER SYSTEM:

MAINLINE: NO. FEET: 300'

SIZE: 3"

TYPE: P.V.C.

LATERALS: NO. FEET: 600'

SIZE: 3"

TYPE: ALUM.

SPRINKLERS: NO. HEADS: 12

MAKE: RB'S

MODEL #: 30'S

NOZZLE SIZES: 5/32 X 0.7

MAXIMUM: 12

IN OPERATION: MEAN P.S.I.:

NO. OF HEADS:

LIFT: SUCTION: 2'

DISCHARGE: 10'

USE: PASTURE, HAY.

DIVERSION: DIRECT

STRUCTURE:

TIE: MONUMENTS: E/ACOR SEC. 8

SURVEYED ON: 179-1504

B. Luis J. Jarama

FIELD ENGINEERING DATE 9-28-82
 TECH. I

NOTES:

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

WATER RIGHT NO. T000042541 PERMIT NO. 004035 CERTIF. NO.
 ORIG. NO. 000164991 PREV. NO. T000030571 SUPER. NO.

NAME: HARRY & PEGGY LARKE
 ADDRESS: 2955 QUARTZ CR RD
 CITY/STATE/ZIP/COUNTY: MERLIN, OR 97532

STREAM-ID 15 1680 1410 0050

RIV. MI.

WM. DIST. 14 W.R. TYPE SC STATUS V

CANCEL YEAR--->

CONSTR. COMPLT---> 09 12 1979

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 12 31 1986

PUT TO USE-----> 09 12 1979

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION---> 07 13 1979

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE---> 08 31 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.---> 08 31 1979

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

POINT-OF-DIVERSION DATA;
 TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

3505 060W 08 B A 15 1680 1410 0050

0.100

V P

** REMARKS:----->
 ** DATED-->

** POD: 1300'S & 70' E FM NE COR
11W 44N 14, S 80. CHANGES POD
PART OF C-47292. RRC-48979.

PLACE-OF-USE DATA:

TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES

STATUS S OR P

3505 060W 08 B B 17 1R 100 6.90

V P

48979

W.R.I.S.

Assembled 3-8-85 by SDB

Entered _____ by _____

Verified _____ by _____



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-2508

January 24, 1980

T-4254

Harry A. & Peggy Larke
2955 Quartz Creek Road
Merlin, Oregon 97532

Dear Mr. and Mrs. Larke:

During the last legislative session, the statute pertaining to the recording of certificates of water right in county records was repealed. The effective date was October 3, 1979. We were unable to issue the remaining right certificate in connection with the order approving your transfer number 4254 prior to the deadline so we are returning the \$2.00 you submitted in our refund check number 4037.

Our failure to issue the remaining certificate of water right does in no way effect or injure your right to the use of water from Quartz Creek as provided in the order approving your transfer request.

Sincerely,

Thomas E. Shook
Water Rights Engineer

TES:kas

Enc.

COPY



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

September 14, 1979

Harry A. & Peggy Larke
2955 Quartz Creek Road
Merlin, Oregon 97532

RE: File No. T-4254

Dear Mr. and Mrs. Larke:

The notice of completion of works and use of water under the provisions of the order of the Water Resources Director approving water right transfer application No. 4254, for a change in point of diversion of water from Quartz Creek, was received and, in line with the general practice of this office, a survey will be made at a later date.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: Robert B. Steimer, Watermaster

COPY

RECEIVED

SEP 12 1979

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

point of diversion from Quartz Creek

PURSUANT TO TRANSFER APPLICATION NO. 4254

I, Peggy Larke, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by 9-1, 1978.

9-7-79

Date

Peggy Larke

Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK
Pig

JUL 13 1979

WATER RESOURCES DEPT

RECEIVED
SALEM, OREGON

JUL 24 1979

WATER RESOURCES DEPT
SALEM, OREGON

BOOK 4

SECTION 8 T.35S. R.6W. W. M.

JOSEPHINE COUNTY

$$1'' = 400'$$

SEE MAP 35 6 5

35 6 8

CANCELLED T.L.

101
602
501
802

SEE MAP 35 6 9

6 8

T-4254

RECEIVED

JUL 24 1979

RECEIVED

JUL 13 1979

WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Harry A. Larke and/or Peggy Larke
(Name of applicant)
of 2955 Quartz Creek Road
(Mailing address), Merlin
(City)
State of Oregon 97532 479-1366
(Zip Code) (Phone number), do hereby make application for change
point of diversion
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? no -- Carolina A. Earle
(If not, give name)
2. Was your water right determined by Decree of Court? yes If so, give title of proceedings
(Yes or No) Rogue River Decree number of certificate 47292
(original Cert #16499)
3. Was your water right acquired by Water Right Permit? If so, give number
(Yes or No)
of permit Number of certificate

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Quartz Creek
5. What is the date of priority of your water right? 1886
6. The authorized point of diversion is located 120 ft. S and 130 ft. W from the NE
(N. or S.) (E. or W.)
corner of NW 1/4 NW 1/4 being within the NW 1/4 NW 1/4 of Section 8 Tp. 35 S R. 6 W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Josephine The name of the ditch used is

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 1300 ft. S and 70 ft. E from the NE
(N. or S.) (E. or W.)
corner of NW 1/4 NW 1/4 being within the SE 1/4 NW 1/4 of Section 8 Tp. 35 S R. 6 W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Josephine The name of the ditch to be used is

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
35 S	6 W	8	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.9

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? no
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? yes
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are have been using a community system,...

Now we would like to put in our own system.....

15. Construction work will be completed on or before October 1, 1980.....

16. The water will be completely applied to the proposed use on or before October 1, 1980.....

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Peggy Larke, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this ..12th.. day of July, 19..79.

Peggy Larke
.....
(Name of applicant)

Subscribed and sworn to before me this ..12th.. day of July, 19..79.

[Notarial Seal]

Dee J. Campbell
.....
NOTARY PUBLIC FOR OREGON

My commission expires March 20, 1981.....





Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

July 19, 1979

Harry A. & Peggy Larke
2955 Quartz Creek Road
Merlin, Oregon 97532

RE: File No. T-4254

Dear Mr. and Mrs. Larke:

Your water right transfer application for approval of a change in point of diversion of water from Quartz Creek, together with supporting data and fees in the amount of \$35, was received on July 13, 1979. Our receipt No. 12802 is enclosed.

Your application lists the proposed point of diversion as being 1300 feet south and 70 feet east from the NE Corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8. This point would appear to be in the NE $\frac{1}{4}$ NW $\frac{1}{4}$; however, the application states that the point of diversion is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$. I am returning the application and map so you may make the necessary correction.

When entered, the order approving your transfer application will provide for issuance of a new certificate covering the balance of the right not involved in your transfer. Please submit \$2 to cover the cost of recording this new certificate.

When examination of the application and supporting data has been completed after the correction, you will be advised of any matters requiring your further attention prior to consideration of the application for approval.

Please refer any correspondence to file No. T-4254.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: Robert B. Steimer, Watermaster



RECEIVED

STATE OF OREGON

JUL 13 1979 INTEROFFICE MEMO

WATER RESOURCES DEPT
SALEM, OREGON

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: July 12, 1979, 19__.

FROM: **
Robert B. Steimer, Watermaster, Dist. #14

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4254
IN THE NAME OF Harry A. Larke and/or Peggy Larke

In my opinion the proposed change in point of diversion from Quartz Cr.
may be made without injury ~~XXXXXXXXXXXXXXXXXXXX~~ to existing water rights.

Headgate notices ~~XXXX~~ have not been issued for diversions from the source
which serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? no
(yes or no)

In my opinion the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion...
 X (2) When in the judgement of the watermaster it becomes necessary...

* The approval of this transfer application would result in injury to other
water rights because _____

**

Robert B. Steimer
Watermaster's signature or initials