

4372 Harmon

4372

Name John F. Harmon

DESCRIPTION OF WATER RIGHT

FEES PAID

By _____
Address 6124 New Hope Road
Grants Pass, OR
97526

Name of stream Applegate River
Trib. of _____ County of Josephine

Date	Amount	Receipt No.
<u>1-16-80</u>	<u>85-</u>	<u>15719</u>
TOTAL . . .		
	Cert. Fee	

Use irrigation
Quantity of water _____ No. of acres 160^e

Name of ditch Murphy
Date of priority 1902

In name of J.L. Helms, Otis A. Kapsa, H.E. Haefner
Reque River Inchoate Adjudication, Vol. 16, page 403

App. No. _____ Per. No. _____ Cert. No. 32872, 32873, 32874
32875

Certificate cancelled _____

Notation made on record by _____

The Daily Courier \$38.50 pd 2/20/80 ck# 4056

FEES REFUNDED

Date	Amount	Check No.
<u>2/20/80</u>	<u>11.50</u>	<u>4055</u>

EX 20-
POD 15-
POD 38.50
73.50

Change in POD

Date filed Jan 16, 1980

Date of hearing March 19, 1980

Place of hearing Grants Pass

Date of order 4-10-80 Vol. 33, page 126

Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued May 2, 1980 Vol. 42, page 49192

FEB 18 1987

51

49193

55691

55695

55696

55697

REMARKS

OK Cert

to Survey 6/80

W.R.I.S.	
Assembled <u>7-7-82</u> by <u>SEA</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
☒ Name	<u>SEA</u>	_____
☒ Stream	<u>SEA</u>	_____
☒ Pt. of Div.	<u>SEA</u>	_____
☒ Calendar	<u>SEA</u>	_____
CHECKED TO RECORDS:		
☒ Twp. & Rge.	<u>SEA</u>	_____
☒ Decree-vault	<u>SEA</u>	_____
☒ Decree-safe	<u>SEA</u>	_____
☒ Cert. of W/R	<u>SEA</u>	_____
☐ Per. Folder	_____	_____
☐ Chainindex	_____	_____
☐ Cross Ref.	_____	_____
☒ Power Claim	<u>SEA</u>	_____
☐ Abstracts	<u>SEA</u>	_____

4056
201

12



23

ches, except
irrigated land,
approximate.

: POD
POU
USE
Add'1 POD

County Josephine

1. Name John Harmon
Address 6124 New Hope Road, Grants Pass, OR 97526

3. Use migration ✓

4. Amount of Water 3.20 cfs Priority Date 1902

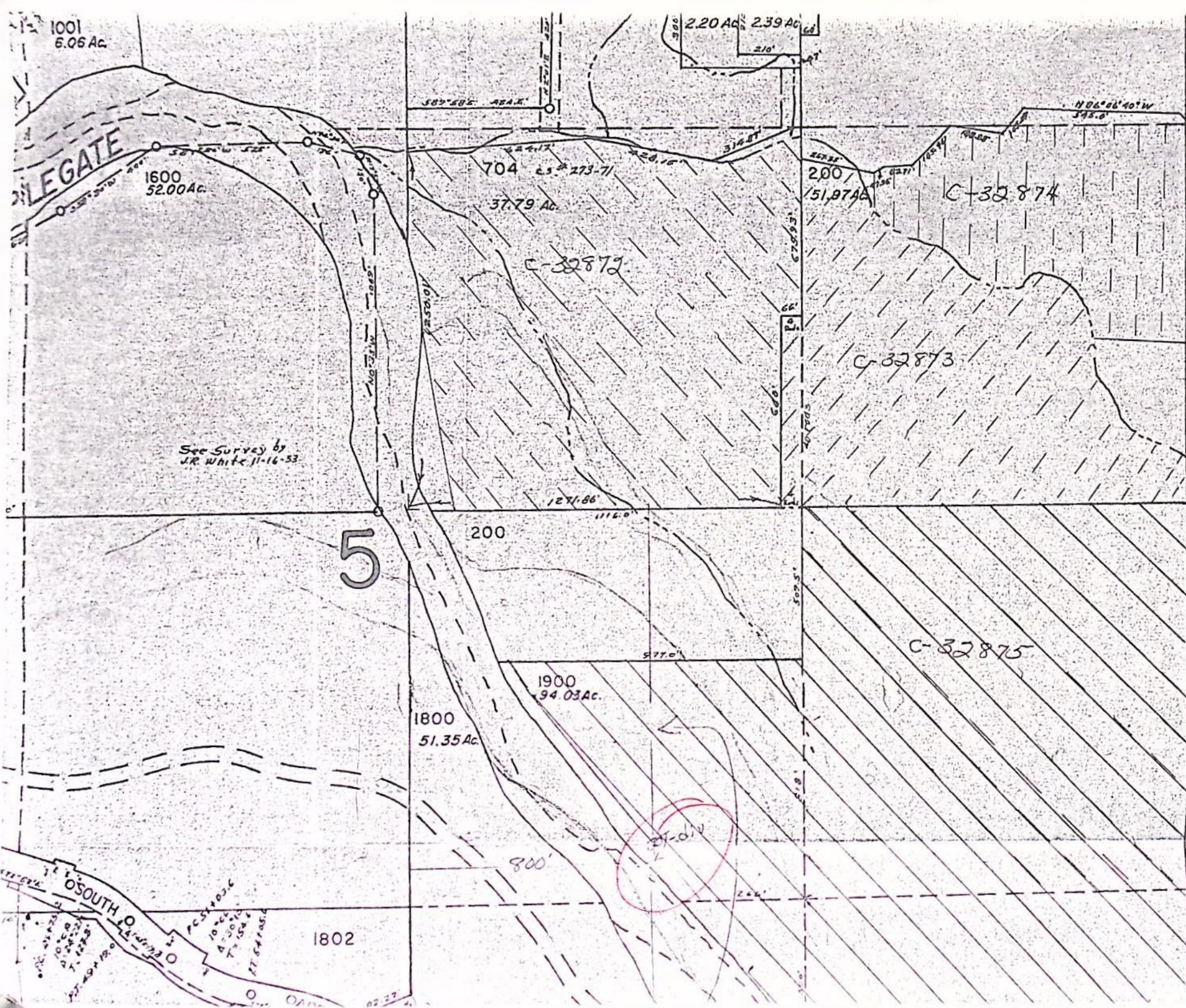
5. Proposed Point of Diversion ~~1200' S & 800' E from Center, S14,~~
~~within NW1/4 SE1/4, Sec 14, T37S, R6W, Wm~~

835' N. & 1190' W. from SE 1/4 COR. Sec. 14 within the SE 1/4, SE 1/4 Sec. 14,
T. 37S., R. 6W., W.M., Jo. Co.

6. Completion Date 10-1-81

7. Place of Use:

[illegible]



T-4372

SEE MAP 37 6 13

SOUTH
AC 51.036
T 154
PT 541052
1802

FINAL PROOF OF APPLICATION No. 62025 PERMIT No. 45944

SURFACE WATER DIVISION TRANSFER NO. 4372

INFO: NAMES: JOHN F. & DENNIS R. HARMON

ADDRESS: 6124 NEW HOPE RD, GRANTS PASS

RECEIVED

JAN 23 1984

TALKED TO: DENNIS

WATER RESOURCES DEPT.
SALEM, OREGON

SOURCES: APPLEGATE RIVER & APPLEGATE LAKE RESERVOIR

SYSTEM: PUMPS DIRECT FROM RIVER, WITH SERIES OF TWO PUMPS ON LINE.

PUMP: MAKE: Berply
TYPE: Cent.
SUCTION SIZE: 4"
DISCHARGE SIZE: 3"
MODEL No.: B 32 PM
RATING:
MOTOR: MAKE: Century Pump Motor
TYPE: Electric
HP: 40
RPM: 3520

#2
Berply
Cent.
4"
3"
B 32 PM
marathon Electric
elect
40
3510

Pump @ 25 PSI
$$\frac{(6.6) 40}{262 + 63.5} = .811 \text{ cfs}$$

Sprinklers:
$$\frac{(48)(5.0)}{450} = .756 \text{ cfs}$$

CONNECTED DIRECT OR FULLY:

SPRINKLER SYSTEM: BURIED MAIN W/ RISERS

MAINLINE: NO. FEET: 5000'
SIZE: 10", 8", 4" 13" (COMBINED)
TYPE: P.V.C.

LATERALS: NO. FEET: 5400'
SIZE: 3"
TYPE: ALUM

SPRINKLERS: NO. HEADS: 135

MAKE: RB'S

MODEL #: 305

NOZZLE SIZE: 3/16" X 0

MAXIMUM: 135 for both

IN OPERATION: MAXIMUM PRESSURE: 120 PSI

NO. OF HEADS: 135

LIFT - SUCTION: 12'

DISCHARGE: 250'

USE: PASTURE

DIVERSION: DIRECT TR. 4372

STRUCTURE: 62025/45944 APPLEGATE LAKE RES.

TIE: MONUMENTS: E 1/4 COR. SEC. 14 (B.C.) & S.E. 1/4 COR. SEC. 14 (B.C.)

SURVEYED ON: BSD-2-4

B. Susan Jensen

DATE: 10-4-83

APPLE CATE R

LIF T-0982-C1

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

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

 WATER RIGHT NO. 10000 43722 PERMIT NO. 013403 CERTIF. NO.
 ORIG. NO. C000 32873 / PREV. NO. C000 32873 / SUPER. NO.

NAME: JOHN F. HARMON

ADDRESS: 6124 NEW HOPE RD

CITY/STATE/ZIP/COUNTY: GRANTS PASS, OR 97526

17

STREAM-ID 15 1680 1540

RIV. MI.

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

CANCEL YEAR-->

CONSTR. COMPLT--> 05 30 1980 YR. LAST USED-->

NEXT ACTION DUE-->

PRIORITY--> 12 31 1902

PUT TO USE--> 05 30 1980 LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 01 16 1980

SURVEYED-->

EXAM. FEE--> 20.00

RECORDING FEE--> 15.00

PERMIT ISSUE--> 04 10 1980

CONCURRENCE-->

CYCLE STATUS-->

REPORTED FLAG-->

CONSTR. STRT.--> 04 10 1980

CERTIFIED-->

CORRES. INIT.-->

CORRES. DATE-->

 POINT-OF-DIVERSION DATA;
 TWP/SP RGE SECT QTR/QTR STREAM-ID

3705 060W 14 DB 15 1680 1540

RIV. MI.

RATE

STATUS S OR P

~~0.740~~
 0.780

V P

 ** REMARKS; - - - - -
 ** DATED-->

 ** POD: 1200'S & 800'E FM CENTER
 ** S.I.F. CHANGES POD PART OF
 ** C-32873. RE C-49193.

PLACE-OF-USE DATA:

TWP/SP RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

3705 060W 14 AC 17 1R 100 ~~36.90~~ V P

AD

23.10

49192

W.R.I.S.

Assembled 4-4-85 by SRA

Entered _____ by _____

Verified _____ by _____

APPLE CATE R

WF T-0982-C1

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

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

 WATER RIGHT NO. 10000 43724 PERMIT NO. 013403 CERTIF. NO.
 ORIG. NO. C000 32875 / PREV. NO. C000 32875 / SUPER. NO.

NAME: JOHN F. HARMON

ADDRESS: 6124 NEW HOPE RD

CITY/STATE/ZIP/COUNTY: GRANTS PASS, OR 97526

17

STREAM-ID 15 1680 1540

RIV. MI.

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

CANCEL YEAR-->

CONSTR. COMPLT--> 05 30 1980 YR. LAST USED-->

NEXT ACTION DUE-->

PRIORITY--> 12 31 1902

PUT TO USE--> 05 30 1980 LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 01 16 1980

SURVEYED-->

EXAM. FEE--> 20.00

RECORDING FEE--> 15.00

PERMIT ISSUE--> 04 10 1980

CONCURRENCE-->

CYCLE STATUS-->

REPORTED FLAG-->

CONSTR. STRT.--> 04 10 1980

CERTIFIED-->

CORRES. INIT.-->

CORRES. DATE-->

 POINT-OF-DIVERSION DATA:
 TWP/SP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

3705 060W 14 D B 15 1680 1540

~~0.740~~
 1.720

V P

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

** POD: 1200'S & 800'E FM CENTER

** S. 1/4 CHANGES POD ^{ALL} PART OF

** C-32873 - REC-49192

PLACE-OF-USE DATA:

TWP/SP RNGE SECT QTR/QTR CNTY USE % CHSMTV ACRES STATUS S OR P

3705 060W 14 A-C 17 1R 100 36.90 V P

D A 39.60

D B 12.00

D D 34.60

49192

W.R.I.S.

Assembled 4-4-85 by SRA

Entered _____ by _____

Verified _____ by _____

APPLE CATE R

W T-0982-C1

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

PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. 1000043723 PERMIT NO. 013403 CERTIF. NO.
 ORIG. NO. C000328741 PREV. NO. C000328741 SUPER. NO.

NAME: JOHN F. HARMON

ADDRESS: 6124 NEW HOPE RD

CITY/STATE/ZIP/COUNTY: GRANTS PASS, OR 97526

17

STREAM-ID 15 1680 1540

RIV. MI.

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

CANCEL YEAR----	CONSTR. COMPLT--> 05 30 1980	YR. LAST USED----->	---	NEXT ACTION DUE-->	---
PRIORITY-----> 12 31 1902	PUT TO USE-----> 05 30 1980	LAST TRANS. DATE-->	---	LAST TRANS. TYPE-->	---
APPLICATION--> 01 16 1980	SURVEYED----->	EXAM. FEE----->	20.00	RECORDING FEE----->	15.00
PERMIT ISSUE--> 04 10 1980	CONCURRENCE----->	CYCLE STATUS----->	---	REPORTED FLAG----->	---
CONSTR. STRT.--> 04 10 1980	CERTIFIED----->	CORRES. INIT.----->	---	CORRES. DATE----->	---

POINT-OF-DIVERSION DATA:
 TWP/SP RGE SECT QTR/QTR STREAM-ID

3705 060W 14 D B 15 1680 1540

RIV. MI. RATE STATUS S OR P

~~0.740~~
 0.260

V P

*** REMARKS; - - - - -
 *** DATED-->
 *** POD: 1200'S & 800'E FM CENTER
 *** S. 1/4 CHANGES POD ^{ALL} PART OF
 *** C-32874. ~~RE C-49192.~~

PLACE-OF-USE DATA:
 TWP/SP RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

3705 060W 14 A ^D 17 1R 100 ^{12.80}
~~36.90~~ V P

49192

W.R.I.S.

Assembled 4-4-85 by SRH

Entered _____ by _____

Verified _____ by _____

APPLE CAPE R

IIR T-0982-C1

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

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. 1000043721 PERMIT NO. 013403 CERTIF. NO.

NAME: JOHN F. HARMON

ORIG. NO. C00032872/PREV. NO. C00032872/SUPER. NO.

ADDRESS: 6124 NEW HOPE RD

CITY/STATE/ZIP/COUNTY: GRANTS PASS, OR 97526

17

STREAM-ID 15 1680 1540

RIV. MI.

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

CANCEL YEAR---->

CONSTR. COMPLT--> 05 30 1980 YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 12 31 1902

PUT TO USE-----> 05 30 1980 LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION-----> 01 16 1980

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE--> 04 10 1980

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 04 10 1980

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

 POINT-OF-DIVERSION DATA;
 TWP/SP RGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

 ** REMARKS; - - - - -
 ** DATED-->

3705 060W 14 D B 15 1680 1540

0.740

V

P

 ** POD: 1200'S & 800'E FM CENTER
 ** S 14. CHANGES POD PART OF
 ** C-32872. RE C-49192.

 PLACE-OF-USE DATA:
 TWP/SP RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

3705 060W 14 A C 17 1R 100 36.90

V

P

49192

W.R.I.S.

Assembled 4-4-85 by SRA

Entered _____ by _____

Verified _____ by _____



RECEIVED
JAN 16 1980
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
T-4372
JAN 16 1980
WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, John F. Harmon

(Name of applicant)

of 6124 New Hope Road

(Mailing address)

Grants Pass

(City)

State of Oregon

97526
(Zip Code)

479-2286
(Phone number)

, do hereby make application for change

point of diversion

(In point of diversion; place of use; use heretofore made of the water)

Kapsa { J.L. Helms - Cert. # 32872
OTIS A. Karsa - Cert. # 32873 & 74
H.E. Haefner - Cert. # 32875

1. Is the water right recorded in your name? no

(If not, give name)

2. Was your water right determined by Decree of Court? yes

(Yes or No)

If so, give title of proceedings

Rogue River Inchoate

number of certificate See above

3. Was your water right acquired by Water Right Permit? _____

(Yes or No)

If so, give number

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 Applegate River

5. What is the date of priority of your water right? 1902

South 20° East 780 ft.

6. The authorized point of diversion is located _____ ft.

(N. or S.)

and _____ ft.

(E. or W.)

from the N¹/₄

corner of Sec 19 being within the NW ¹/₄ NE ¹/₄ of Section 19 Tp. 37S R. 5W W. M.,

(No. N. or S.) (No. E. or W.)

in the county of Josephine The name of the ditch used is Murphy

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

7. The proposed point of diversion is located 1200 ft. S and 800 ft. E from the center

(N. or S.)

(E. or W.)

corner of _____ being within the NW ¹/₄ SE ¹/₄ of Section 14 Tp. 37S R. 6W W. M.,

(No. N. or S.) (No. E. or W.)

in the county of Josephine The name of the ditch to be used is _____

14. Reasons for the proposed changes are the present system of transportation
has not been satisfactory because of poor management, &
a leaking canal where the water loss ^{is} ~~was~~ great by the time
the water reached our farm. We have to sprinkle irrigate and with
the new point of diversion, we will pump directly onto our land, and
not have to maintain 5 miles of ditch.

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

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

Remarks We would appreciate your prompt attention to this, as we
must be able to start using our water by April 15, 1980,
when irrigation season begins. Thank you very much.

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, JOHN F. HARMON, 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 14th day of Jan., 1980

John F. Harmon
(Name of applicant)

Subscribed and sworn to before me this 14th day of Jan., 1980

[Notarial Seal]

Dore J. Campbell
NOTARY PUBLIC FOR OREGON

My commission expires March 20, 1981



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOHN F. HARMON FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER FROM APPLGATE RIVER)

ORDER APPROVING
TRANSFER NO. 4372

On January 16, 1980, an application was filed in the office of the Water Resources Director by John F. Harmon for approval of a change in point of diversion from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water rights are portions of the rights described by the certificates recorded at pages 32872, 32873, 32874 and 32875, Volume 24, State Record of Water Right Certificates, in the names of J.L. Helms, Otis A. and Myrtle Kapsa, Harold B. Bennett and H.E. Haefner, and are for the use of not to exceed 3.20 cubic feet per second from Applegate River, under a priority date of 1902, for irrigation of a certain 37.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 35.9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 39.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 12.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 34.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 37 South, Range 6 West, W.M.

The authorized point of diversion is located South 20 degrees East, 780 feet from the North Quarter Corner of Section 19, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 37 South, Range 5 West, W.M. (Murphy Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 1200 feet South and 800 feet East from the Center of Section 14, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, 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 January 24 and 31, and February 7, 1980.

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:

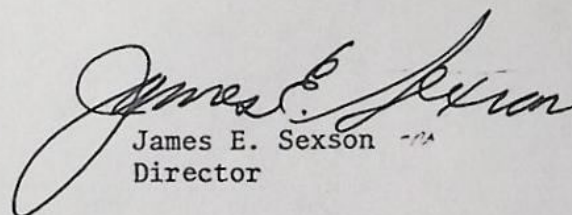
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1981.

It is FURTHER ORDERED that the certificates recorded at pages 32872, 32873, 32874 and 32875, Volume 24, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights under certificates 32872 and 32873 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 10th day of April, 1980.


James E. Sexson
Director



STATE OF OREGON

RECEIVED

JAN 16 1980

WATER RESOURCES DEPT
SALEM, OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

* DATE: Jan. 14, 1980.FROM: **
_____SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4372
IN THE NAME OF John F. Harmon

In my opinion the proposed change in Point diversion from Applegate
may be made without injury ~~would result in injury~~ to existing water rights. River

Headgate notices have ~~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? yes
(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. Stearns
Watermaster's signature or initials

LEGAL NOTICE

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 4372

The Water Resources Director of Oregon has received and filed an application by John F. Harmon for approval, without loss of priority, of a change in point of diversion of water under certain water rights.

The affected water rights are portions of the rights described by the certificates recorded at pages 32872, 32873, 32874, and 32875, Volume 24, State Record of Water Right Certificates, in the names of J. L. Helms, Otis A. & Myrtle Kapsa, Harold B. Bennett and H. E. Haefner, and are for the use of not to exceed 3.20 cubic feet per second from Applegate River, under a priority date of 1902, for irrigation of a certain 37.9 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 35.9 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 39.6 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 12.0 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$ & 34.6 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 14, T 37S, R 6W, WM.

The authorized point of diversion is located S 20° E, 780 ft from the N $\frac{1}{4}$ Corner of Sec 19, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 19, T 37S, R 5W, WM (Murphy Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 1200 ft S & 800 ft E from the Center of Sec 14, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 14, T 37S, R 6W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Wednesday, March 19, 1980, at the Josephine County Courthouse, Grants Pass, Oregon. Any objections to the proposed change must be prepared in writing: one copy to be served on the applicant at 6124 New Hope Rd., Grants Pass, OR 97526; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 17th day of January, 1980.

James E. Sexson,
Director

No. 150 — Thurs. Jan. 24, 31 & Feb. 7, 1980.

AFFIDAVIT OF PUBLICATION

State of Oregon }
County of Josephine } ss.

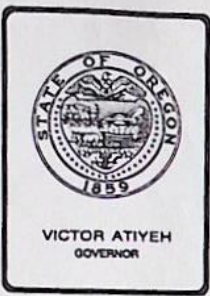
I, Charles J. Moore, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Grants Pass Daily Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4372, 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: January 24, 31 & February 7, 1980

Subscribed and sworn to before me this 7th day of February, 19 80

Kathleen Zahner
Notary Public of Oregon.

My commission expires 4th day of February, 19 84.

RECEIVED
FEB 12 1980
WATER RESOURCES DEPT
SALEM, OREGON



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

March 11, 1980

C. H. Seagraves, Jr.
Attorney at Law
600 NW Fifth Street
Grants Pass, Oregon 97526

RE: Transfer Application No. 4372, Harmon

Dear Mr. Seagraves:

This will acknowledge your letter of March 6, 1980, transmitting a document of objections by David Bud Combe, on behalf of the Murphy Ditch Association, against approval of transfer application No. 4372 in the name of John F. Harmon for approval of a change in point of diversion of water from Applegate River, together with proof of service and your check in the amount of \$10.

As discussed with you by telephone on Friday, March 7, 1980, the submitted document does not state grounds that are within the jurisdiction of the Water Resources Director to hear and determine; therefore, it has not been accepted and filed as a formal protest.

The question before the Water Resources Director in his consideration of the pending application is whether the proposed change would adversely affect the availability of water in the natural stream, to which other water users are entitled under the provisions of their respective water rights, at their authorized points of diversion.

Questions involving property rights and attendant obligations which may occur in regard to modifications to ditches and other works for diversion and transmission of waters would not be within the jurisdiction of the Water Resources Director to hear and determine.

The payment of \$10, received with your letter, has been receipted into a trust account and will be refunded to you as soon as a refund check can be issued.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj
cc: John F. Harmon
Robert B. Steimer, Watermaster

NOTICE OF OBJECTIONS

RECEIVED
MAR 7 1980
WATER RESOURCES DEPT
SALEM, OREGON

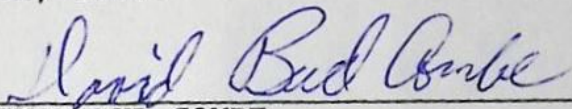
Pursuant to the provisions of ORS 540.520 and other applicable law, notice is hereby given by the undersigned, David Bud Combe, president of the Murphy Ditch Association, on behalf of the Association, that they object to and protest the proposed change of the point of diversion, as contained in the filed, written application of John F. Harmon, as revealed by the Notice of Water Right Transfer Application No. 4372, concerning waters being taken from the Applegate River involving lands in Section 14, Township 37 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon; the notice of the filing of such application having heretofore been submitted for publication by James E. Sexton, Water Resources Director for the State of Oregon, and being published in the Grants Pass Daily Courier, Grants Pass, Josephine County, Oregon, with the hearing time thereon set for 9:30 a.m., March 19, 1980, at Josephine County Courthouse, Grants Pass, Oregon.

The protestants, owners of land benefitted by the Murphy Ditch Association utilizing the common diversion point with the applicant herein, are likewise owners of land located in Section 14 and adjacent Sections in Township 37 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon. The objections to the change in the point of diversion are based upon the fact that the elimination of the participation in the diversion point by the applicant will detrimentally affect the ability of

the structures to handle the diverted water for the Association users at the common point of diversion and periods of diminished water will force the practical inability of the Association users to extract water from the point of diversion upstream from that proposed by the applicant and thereby will injure existing rights of the members of the Association, co-users of the applicant's present diversion point. The protestor therefore requests that the application for point of diversion be denied.

The address of your protestant is 6211 New Hope Road, Grants Pass, Oregon, and president of Murphy Ditch Association.

DATED this 6 day of March, 1980.



DAVID BUD COMBE

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PROOF OF SERVICE BY MAIL

I, David Bud Combe, president of Murphy Ditch Association, hereby certify that I have caused to be placed in the United States mail, in an envelope with postage prepaid thereon and duly addressed to John F. Harmon, 6124 New Hope Road, Grants Pass, Oregon 97526, a copy of the attached protest on the 6 day of March, 1980.

David Bud Combe

DAVID BUD COMBE

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SEE MAP 37 5 18-4

NEW § -O- HOPE 7 ROAD

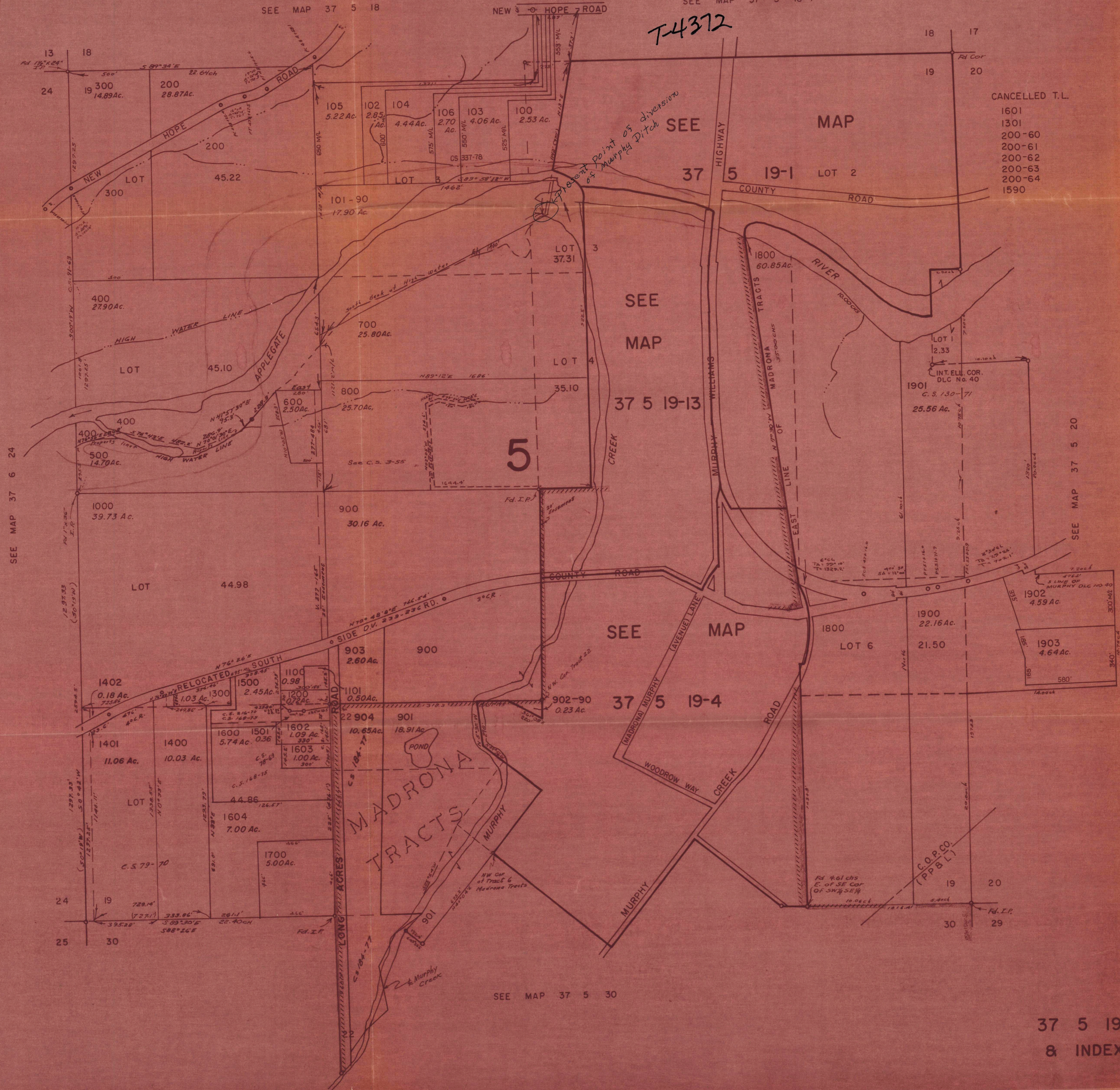
T-4372

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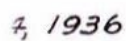
SEE	MAP	37	5	20
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37 5 19
& INDEX

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SALEM, OREGON



12



ches, except
irrigated land,
approximate.

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That OTIS A. AND MYRTLE KAPSA

of 553 West 6th Street, Eugene, State of Oregon 97401, has
a right to the use of the waters of Applegate River

a tributary of Rogue River for the purpose of
irrigation of 2.5 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 WATER RESOURCES DIRECTOR, in Volume 16, at page 523; that the priority of the right thereby confirmed dates from 1902;

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.

The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, T. 37 S., R. 5 W., W.M.

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

2.5 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 14
T. 37 S., R. 6 W., W.M.

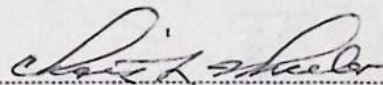
This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 32873, Volume 24, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on April 10, 1980, approving transfer application No. 4372.

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 Water Resources Director, affixed

this date May 2, 1980.



Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42, page 49193

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. L. HELMS

of R.F.D. No. 2, 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 20.0 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 WATER RESOURCES DIRECTOR, in Volume 16, at page 523; that the priority of the right thereby confirmed dates from 1902;

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 0.40 cubic foot per second

The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, T. 37 S., R. 5 W., W.M.

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

20.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 14
T. 37 S., R. 6 W., W.M.

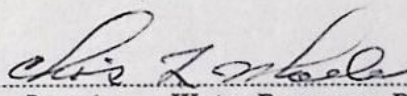
This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 32872, Volume 24, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on April 10, 1980, approving transfer application No. 4372.

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 Water Resources Director, affixed

this date May 2, 19 80 .


Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42, page 49192

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MAY 30 1980
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SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

point of diversion from Applegate River
PURSUANT TO TRANSFER APPLICATION NO. 4372

I, John Harmon, 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 May 25, 1980.

May 28, 1980
Date

John Harmon
Signature

OK Jcy

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

Harmon & Son Dairy
John & Dennis Harmon
6124 New Hope Rd
Grants Pass, OR 97526

Langness, Julia R. F. D. No. 1 Box 20 Grants Pass, Oregon (See Findings, Paragraph 179)	1902	0.13	4.5	Irrigation	Murphy Ditch	Apple- gate River	6.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, Tp. 37 S., R. 6 W.W.M., Josephine County, Oreg.
32871 Langworthy, D. M. R. F. D. No. 3 Grants Pass, Oregon (See Findings, Paragraph 180)	1902	0.19	9.6	Irrigation	Murphy Ditch	Apple- gate River	9.6 acres in the South 30 acres on NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, Tp. 37 S., R. 6 W.W.M., Josephine County, Oreg.
32872 Helms, J. L. R. F. D. No. 2 Grants Pass, Oregon (See Findings, Paragraph 181)	1902	1.14	56.9	Irrigation	Murphy Ditch	Apple- gate River	20.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ (1) 36.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ except the following- described tract: Beginning at the SE corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence West 4 rods; thence North 40 rods; thence East 4 rods to the East line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence South 40 rods to point of beginning. Sec. 14, Tp. 37 S., R. 6 W.W.M., Josephine County, Oreg.
32873-74-75 32871-72-73 (1) SCNF Kapsa, Otis A. and Kapsa, Myrtle 553 West 6th Street Eugene, Oregon (See Findings, Paragraph 182)	1902	0.79	39.4	Irrigation	Murphy Ditch	Apple- gate River	2.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ (1) 1.0 acre in that part of SW $\frac{1}{4}$ NE $\frac{1}{4}$, described as follows: Beginning at the SE corner of SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, Tp. 37 S., R. 6 W.W.M., and running thence West 4 rods; thence North 40 rods to a bank or bluff; thence East 4 rods to the East line of SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 14; thence South 40 rods to the place of beginning, containing one acre, more or less, (1) T-4372 A PDD 12 ⁸ Acres Trsf. Sp. Dr. Vol. 11, p. 183 (1) 23.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 12.8 acres in that part of NW $\frac{1}{4}$ SE $\frac{1}{4}$, described as follows: Beginning at the NE corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Tp. 37 S., R. 6 W. W. M., and running thence South 509.5 feet to the NE corner of the tract of land now or formerly owned by J. H. Shawl; thence West a distance of 977.0 feet to the Easterly bank of the Applegate River; thence Northwesterly along the bank of said river to the East and West quarter section line; thence East along said quarter section line 1,116.0 feet to an iron pipe at place of beginning. Sec. 14, Tp. 37 S., R. 6 W.W.M., Josephine County, Oreg.
32874 Haefer, H. E. 4242 N. E. Failing Street Portland, Oregon (See Findings, Paragraph 183)	1902	1.72	86.2	Irrigation	Murphy Ditch	Apple- gate River	(1) 39.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ (1) 12.0 acres in that part of NW $\frac{1}{4}$ SE $\frac{1}{4}$, described as follows: Beginning at the SE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Tp. 37 S., R. 6 W. W. M.; thence North parallel to section line 818 feet; thence West parallel to East and West quarter section line 977 feet to the bank of the Applegate River; thence Southeasterly along said bank to the South line of NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence East 266 feet to the point of beginning; (1) T-4372 A PDD (1) 34.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, Tp. 37 S., R. 6 W.W.M., Josephine County, Oreg.

T-4372 RECEIVED

JAN 16 1980

WATER RESOURCES DEPT
SALEM, OREGON

WATER TRANSPORTATION AGREEMENT

THIS AGREEMENT, between the MURPHY DITCH ASSOCIATION, an association organized and existing under and by virtue of the laws of the State of Oregon, hereinafter called the Association, and JOHN E. HARMON, a member of the Association, hereinafter called the Member,

WITNESSETH:

WHEREAS, the Association is engaged in transporting through its distribution system the irrigation water belonging to its members, and

WHEREAS, the Member desires to have his irrigation water transported through the Association's distribution system and to enter into a water transportation agreement as required by the By-Laws of the Association,

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements herein contained, it is hereby understood and agreed:

1. The Association agrees to transport through its distribution system, subject to the limitations hereinafter provided for, 1.456 cubic second feet of water to be used in irrigating the following-described property:

Parcel I: The East Half of the Northeast Quarter of Section 14, Township 37 South, Range 6 West of the Willamette Meridian, Josephine County, Ore. LESS &

EXCEPTING that portion thereof which lies Northerly of the following described line, to wit: Beginning at the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 14, Township 37 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon; thence North $53^{\circ}20'$ West, 64.84 feet to a $\frac{1}{4}$ inch x 24 inch iron pin; thence North $86^{\circ}56'40''$ West, 545.00 feet to a $\frac{1}{4}$ inch iron pin; thence South $38^{\circ}03'40''$ West 105.09 feet to a $\frac{1}{4}$ inch x 24 inch iron pin; thence North $82^{\circ}11'$ West, 188.83 feet to a $\frac{1}{4}$ inch x 24 inch iron pin; thence South $43^{\circ}08'$ West 185.46 feet to a $\frac{1}{4}$ inch x 24 inch iron pin; thence South $81^{\circ}07'$ West 83.71 feet to a $\frac{1}{4}$ inch x 24 inch iron pin; thence South $59^{\circ}00'40''$ West 47.92 feet to a $\frac{1}{4}$ inch x 24 inch iron pin; thence North $79^{\circ}32'40''$ West 267.35 feet to a $\frac{1}{4}$ inch x 24 inch iron pin.

PARCEL II: Beginning at the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 14, Township 37 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon, and running thence West 4 rods; thence North 40 rods to bank on bluff; thence East 4 rods to the East line of the Southwest Quarter of the Northeast Quarter of said Section 14; thence South 40 rods to the place of beginning.

PARCEL III: The tract of land beginning at the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 14, Township 37 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon; and running thence South 509.5 feet to the Northeast corner of the tract of land now or formerly owned by J.H. SHAW; thence West a distance of 977.0 feet to the Easterly bank of the Applegate River; thence Northwesterly along the bank of said river to the East and West Quarter Section line; thence East along said Quarter section line 1116.0 feet to an iron pipe at the place of beginning.

PARCEL IV: Beginning at the center of Section 14, Township 37 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon; thence North $89^{\circ}51'$ East along the East West center line of said Section 14, 1271.86 feet to a $\frac{5}{8}$ inch iron rod; thence North $0^{\circ}20'55''$ East 660.00 feet to a $\frac{5}{8}$ inch iron rod; thence North $89^{\circ}51'$ East 66.00 feet to a $\frac{5}{8}$ inch iron rod set on the East line of the Southwest Quarter of the Northeast Quarter of said section; thence North $0^{\circ}20'55''$ East along said East line 657.93 feet to a $\frac{5}{8}$ inch iron rod, at the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 14; thence South $70^{\circ}06'42''$ West 314.37 feet to a $\frac{5}{8}$ inch iron rod; thence North $79^{\circ}48'56'31''$ West 428.15 feet to a $\frac{5}{8}$ inch iron rod; thence South $86^{\circ}24'54''$ West 624.17 feet to a $\frac{5}{8}$ inch iron rod set on the North South center line of said Section 14; thence South $0^{\circ}14'32''$ West along said North South center line 1250.01 feet to the point of beginning.

Also all that portion of the SE $\frac{1}{4}$ lying easterly of the Applegate River.