

Name Martin G. Bauer

4338

DESCRIPTION OF WATER RIGHT

By _____

Address 180 Glen DriveGrants Pass, OR 97526Change in PODDate filed Nov. 23, 1979Date of hearing Jan 23, 1980Place of hearing Grants PassDate of order 1-28-80 Vol. 32, page 684Date for application of water 10-1-81 Ext. 10-1-82-83

Proof mailed _____

Proof received _____

Certificate issued FEB 25 1980 Vol. 42, page 49048JUN 6 19864954500to sur 11/83

REMARKS

Name of stream Rogue RiverTrib. of _____ County of JosephineUse irrigationQuantity of water _____ No. of acres 3 4

Name of ditch _____

Date of priority May 4, 1932In name of A. I. Hussey

Adjudication, Vol. _____, page _____

App. No. 14565 Per. No. 10563 Cert. No. 97294

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-23-79</u>	<u>1511 8500</u>	<u>15113</u>
TOTAL . . .		
	Cert. Fee	

Daily Courier \$35.44 pd 1/14/80 LK #3989

FEES REFUNDED

Date	Amount	Check No.
<u>1-18-80</u>	<u>14 56</u>	<u>3990</u>

Ex 20-
POD 15-
POD 35 44
70 44

INDEX CARDS:	Entered	Checked
☒ Name	<u>leg</u>	<u>leg</u>
☒ Stream	<u>leg</u>	<u>leg</u>
☒ Pt. of Div.	<u>leg</u>	<u>leg</u>
☒ Calendar	<u>leg</u>	<u>leg</u>
☒ CHECKED TO RECORDS	<u>SR</u>	<u>SR</u>
☒ Twp. & Rce.	<u>SR</u>	<u>SR</u>
☒ Decree-vault	<u>SR</u>	<u>SR</u>
☒ Decree-safe	<u>SR</u>	<u>SR</u>
☒ Cert. of W/R	<u>leg</u>	<u>leg</u>
☒ Per. order	<u>leg</u>	<u>leg</u>
☒ Contindex	<u>leg</u>	<u>leg</u>
☒ Cross ref.	<u>leg</u>	<u>leg</u>
☒ Power Claim	<u>leg</u>	<u>leg</u>
☒ Abstracts	<u>leg</u>	<u>leg</u>

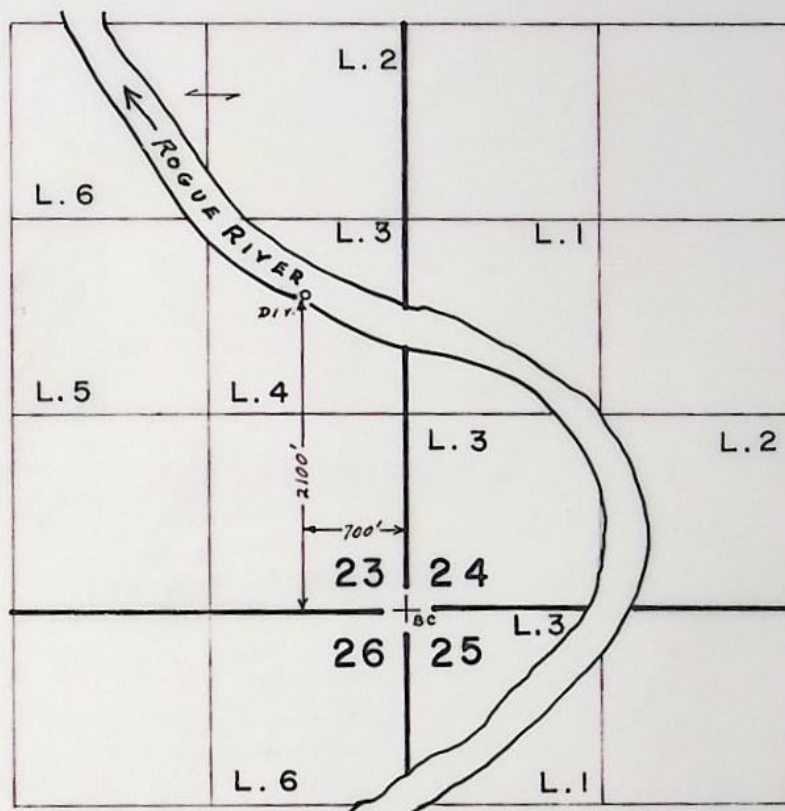
W.R.I.S.

Assembled 4-3-85 by SM

Entered _____ by _____

Verified _____ by _____

T. 35 S., R. 7 W., W. M.



SCALE: 4" = 1 MILE

FINAL PROOF SURVEY
UNDER

TRANSFER 4338

Application No. Permit No.
IN NAME OF

..... **MARTIN G. BAUER**

Surveyed O.C.T., 24 1985, by B.S. JAMES...

$$1'' = 400'$$


SEE MAP 35 7 14

Note:
Abegg Road vacated in
E.L. 100 by G.T. 33-396



T-4338

T 35 S. R 7 W WM

SCALE: 4" = 1 MILE

NEW POINT
OF DIVERSION

ORIGINAL
POINT OF DIVERSION

ROGUE

-25

35 7 23

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF MARTIN G. BAUER FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 4338

On November 23, 1979, an application was filed in the office of the Water Resources Director by Martin G. Bauer for approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is a portion of the right described by the certificate recorded at page 47294, Volume 40, State Record of Water Right Certificates, in the name of A.I. Hussey, and is for the use of not to exceed 0.042 cubic foot per second from Rogue River, under a priority date of May 4, 1932, for irrigation of a certain 3.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 35 South, Range 7 West, W.M.

The authorized point of diversion is located 710 feet South and 200 feet East from the Northwest Corner of Section 25, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 35 South, Range 7 West, W.M.

The applicant proposes to change the point of diversion therefrom to a point located 580 feet South and 675 feet West from the Northeast Corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 35 South, Range 7 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 December 3, 10 and 17, 1979.

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:

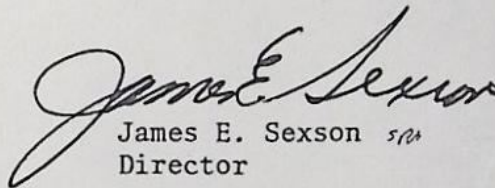
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 certificate recorded at page 47294, 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 applicant herein.

Dated at Salem, Oregon this 28th day of January, 1980.


James E. Sexson *SR*
Director

179-185 R.

RECEIVED

FEB 21 1986

POD
POU
USE
Add'l 1 POD

FEB 21 1986
WATER RESOURCES DEPT
SALEM, OREGON

County Josephine

1. Name Martin G. Bauer Site: 199 Stulhard Lane

2. Source of Water Koguel R. Trib of

4. Amount of Water

5. Priority Date 5-4-1932

6. Proposed Point of Diversion 580' S & 675' W from NE Cor,
NE4SE4, w/in NE4SE4, Sec 23, T35S, R7W, 10m

7. Completion Date 10-1-83 C Notice Received: 10-20-83

8. Place of Use: Transfer Order: Vol. 32, pg. 684

[illegible]

INFO: SAME OWNER, ADDRESS AS APPLIED.
INSPECTION P.O.D LOCATION.

SOURCE: ROGUE RIVER

SYSTEM: PUMP DIRECT FROM RIVER THRU PORTABLE PIPE
WITH STRINKERS.

DIVERSION: DIRECT.

PUMP: 3 1/4" X 3 1/4" CENT. DIRECT DRIVE PUMP
WISCONSIN MODEL T-F 16 HP GAS MOTOR

EQUIPMENT: 3" ALUM. MAINLINE = 1500' 2" LATERALS = 400'

RB 30 7/32 X 1/8 22

MAX USE: ALL

LIFT: SUCTION: 15 ft
DISCHARGE: 10 ft.

$$\frac{4.6 (16)}{127 + 35} = .65$$

USE:

TIE: 41037-179-165R

MON 4 = 23/24
BLM BC 26/25

$$\frac{(9.9 + 3.2) 22}{150} = .64$$

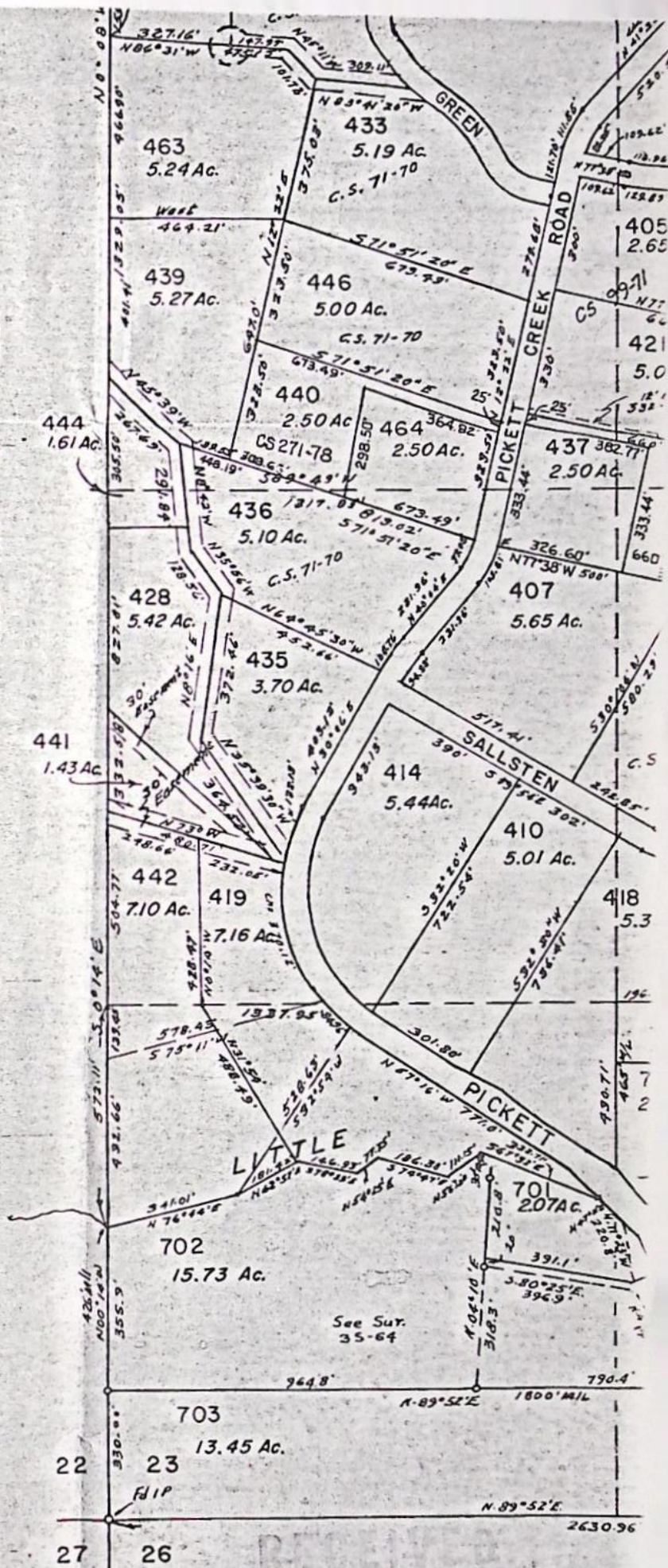
Blue Jumper

WRE 102485.

$$\frac{3.4}{80} = .04$$

25

SEE	MAP	35	7	22
-----	-----	----	---	----





Water Resources Department

10 South Oakdale, Rm. 106
Jackson County Courthouse
Medford, OR 97501

Phone: (503) 776-7070

October 29, 1985

RECEIVED

FEB 21 1986

WATER RESOURCES DEPT
SALEM, OREGON

Martin G. Bauer
199 Steelhead Lane
Grants Pass, OR 97527

Reference: Application - Transfer 4338
Permit - to change point of diversion from Rogue River for
irrigation of 3.4 acres

Dear Mr. Bauer,

In order to complete my report on the Final Proof Survey of your project, I will need certain additional information. Would you please supply me with the following:

Make of Pump - *cent DC*

Make of Motor - *wireman model T-F*

Horsepower - *16*

Gas, Electric, Diesel? - *gas*

Suction & Discharge Sizes - *(3/4 X 3/4)*

Maximum Number of Sprinklers Running at One Time - *22 @ 50 PSI*

Type of Sprinklers & Sizes - *RB 30 (do not know orifice size)*

Size, Type & Length of Main Line - *2 1/4" 3"*

Size, Type & Length of Laterals - *2"*

Date water was last used (season, year) - *1984*

Sincerely,

B. S. James
B. S. James
Water Rights Examiner

*Phone call from Bauer
11/27/85
to Sissy II*

WRT-0982-01

*** 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. 1002043381 PERMIT NO. 010563 CERTIF. NO.
 ORIG. NO. A000145651 PREV. NO. 1000023491 SUPER. NO.

NAME: MARTIN G. BAUER

ADDRESS: 180 GLEN DRIVE

CITY/STATE/ZIP/COUNTY: GRANTS, OR 97526 17

STREAM-ID 15 1680

RIV. MI.

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

CANCEL YEAR----

CONSTR. COMPLT--> 1001 1983

YR. LAST USED-----> —

NEXT ACTION DUE--> —

PRIORITY-----> 05 04 1932

PUT TO USE-----> 1001 1983

LAST TRANS. DATE--> —

LAST TRANS. TYPE--> —

APPLICATION-----> 11 23 1979

SURVEYED-----> —

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE--> 01 28 1980

CONCURRENCE-----> —

CYCLE STATUS-----> —

REPORTED FLAG-----> —

CONSTR. STRT.--> 01 28 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

350S 070W 23 D A 15 1680

0.042

V P

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

** 000, 580'S & 675' W FM NE COR
 ** NE 1/4 SE 1/4, S 23. CHANGES ROP
 ** PART OF C-47294, RE C-49048

PLACE-OF-USE DATA:

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

350S 070W 23 D A 17 1R 100 3.40

V P

49048

W.R.I.S.	
Assembled	4-3-85 by 580
Entered	_____ by _____
Verified	_____ by _____

RECEIVED

OCT 26 1983

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

point of diversion of water from Rogue River

PURSUANT TO TRANSFER APPLICATION NO. 4338

I, Martin G. Bauer, 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 October 9, 1983.

October 24, 1983

Date

Martin G. Bauer

Signature

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

OK
Gib

Application No.

Application for Extension of Time
for Transfer of Water Right

RECEIVED

SEP 27 1982

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Martin G. Bauer

(Name of applicant)

of 199 Steelhead Lane

(Mailing address)

Grants Pass

(City)

State of Oregon

97526

(Zip Code)

503-476-5305

(Phone number)

do hereby make application for an extension of time within which to complete

a change in: (x) point of diversion

() place of use

() use heretofore made of water

under the terms of an order of the Water Resources Director entered on

January 28

, 1980

, approving transfer application No. T-4338,

in the name of Martin G. Bauer

.*

The following has been accomplished toward completion of the

will expire

change within the time allowed, which ~~expired~~ on October 1, 1982:

The intended change in point of diversion is part of a larger project which will ultimately irrigate ten additional acres and provide domestic water to three domiciles. Most of the work completed within the last year is directly related to those phases of the project. It includes: 95% completion of the distribution system (including interior plumbing) for one domicile; domestic water pump acquired and installed, but not yet fully operative. Work accomplished that relates directly to the change in point of diversion includes: a 1700 foot extension of electrical power and the installation of a permanent electrical service. At this time, no water is being (If for irrigation, how many acres, total, are now irrigated) appropriated from the new point of diversion.

*If you are not the applicant named above, please explain your interest in this matter. _____

9-27-82
\$ 20.00
R#33026

To fully complete the change, it will be necessary to accomplish the following: Complete ditching, install irrigation pump including branch electrical service, install pipe mainline.

I am unable to complete the change under the terms of the order, within the time allowed, because as noted in my previous request for an extension of time this change in point of diversion is being accomplished as part of a larger project which includes the construction of a residence. Partly due to the economic conditions, our family has been unable to hire as much work done as was originally intended. Consequently we have done it ourselves on weekends and vacation time, and this has slowed the project. We are currently finishing interior woodwork and should be able to move in by Christmas. This will leave us poised and able to complete our change in point of diversion in the Spring of 1983. and request that the time for completion be extended to October 1, 1983.

AFFIDAVIT OF APPLICANT

I, Martin G. Bauer, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of September

1982.

Martin G. Bauer

Subscribed and sworn to before me this 24th day of September, 1982.

[Notarial Seal]

James L. Davison
Notary Public for Oregon

My commission expires 10-20-84

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$ ~~10.00~~ \$20.00

TO:

Water Resources Department
MILL CREEK OFFICE PARK
655 13th STREET N.E.
SALEM, OREGON 97310

Application No.

Application for Extension of Time
for Transfer of Water Right

RECEIVED

SEP 10 1981

WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Martin G. Bauer
(Name of applicant)
of 199 Steelhead Lane, Grants Pass
(Mailing address) (City)
State of Oregon, 97526, 503-476-5305
(Zip Code) (Phone number)

do hereby make application for an extension of time within which to complete
a change in: ☒ point of diversion
() place of use
() use heretofore made of water

under the terms of an order of the Water Resources Director entered on
January 28, 1980, approving transfer application No. T-4338,
in the name of Martin G. Bauer *.

The following has been accomplished toward completion of the
change within the time allowed, which ~~expired~~ will expire on Oct. 1, 1981:
The area to be irrigated has been plowed and harrowed and
ditching for the irrigation mainline has commenced.
At this time, no irrigation water is being appropriated from
the new point of diversion.
(If for irrigation, how many acres, total, are now irrigated)

*If you are not the applicant named above, please explain your interest in
this matter. _____

Ext to 10-1-82
SPH

9-10-81
\$20.00
#27102

To fully complete the change, it will be necessary to accomplish the following: Complete ditching, install pump and pipe mainline.

I am unable to complete the change under the terms of the order, within the time allowed, because (see attached)

and request that the time for completion be extended to October 1, 1982

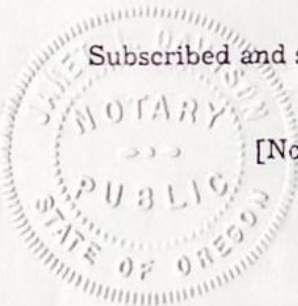
AFFIDAVIT OF APPLICANT

I, Martin G. Bauer, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of September

1981

Martin G. Bauer



Subscribed and sworn to before me this 9th day of September, 1981

[Notarial Seal]

James L. Davison

Notary Public for Oregon

My commission expires

10-20-84

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$ 10.00

TO:

Water Resources Department

MILL CREEK OFFICE PARK
555 13th STREET N.E.
SALEM, OREGON 97310

RECEIVED

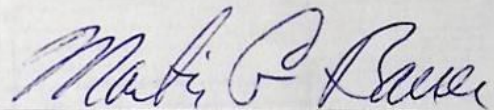
SEP 10 1981

WATER RESOURCES DEPT
SALEM, OREGON

Addendum to Application for Extension of Time for Transfer of Water Right

I am unable to complete the change under the terms of the order, within the time allowed, because this change in point of diversion is one part of a three-part project: 1) change in point of diversion; 2) application of water on adjoining 10 acre parcel pursuant to permit No. 44634; and, 3) construction of residence on part of property. Residence construction must precede change in point of diversion and application of water on adjoining 10 acres (points 1 and 2 above) because power for the new irrigation system is being provided through part of the residential electrical system, and, similarly, part of the piping for the domestic portion of Permit No. 44634 is tied directly to our residential construction.

Our residential construction is behind schedule, but should be complete by Spring, 1982. When the residential construction is completed, including the components which interface with our water distribution system, we will be able to proceed in a logical fashion to complete the change in point of diversion work as well as the installation of the entire coordinated system for the irrigation of the 3.44 acres covered by our 1939 right and the 10 acres covered by Permit No. 44634.



Martin G. Bauer

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That A. I. HUSSEY

of Merlin , State of Oregon 97532 , has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Rogue River

a tributary of Pacific Ocean for the purpose of irrigation of 51.6 acres

under Permit No. 10563 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 May 4, 1932

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 0.645 cubic foot per second, measured at the point of diversion from the stream

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, T. 35 S., R. 7 W., W.M.; 710 feet South and 200 feet East from the NW Corner, Section 25

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 for each acre irrigated and shall be further limited to a diversion of not to exceed 4 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

5.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	14.0 acres Lot 3 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
12.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 24
7.6 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
8.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 25
Section 23	T. 35 S., R. 7 W., W.M.

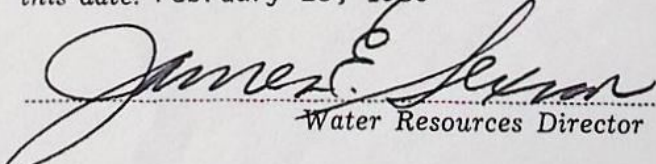
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 47294, Volume 40, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on January 28, 1980, approving transfer application No. 4338.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date, February 25, 1980


Water Resources Director

T-4338

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Martin G. Bauer

(Name of applicant)

of 180 Glen Drive

(Mailing address)

503-476-5305 (O)

Grants Pass

(City)

State of Oregon

97526

(Zip Code)

503-479-5881 (H)

(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. It is recorded in the name of A.I. Hussey
(If not, give name)

2. Was your water right determined by Decree of Court? No If so, give title of proceedings
(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? Yes If so, give number
(Yes or No)

of permit 10563 Number of certificate 47294

A 19565

37387

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 The Rogue River

5. What is the date of priority of your water right? May 4, 1932

6. The authorized point of diversion is located 710 ft. south and 200 ft. east from the NW
(N. or S.) (E. or W.)

corner of Sec. 25 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25 Tp. 35S R. 7W W. M.,
(No. N. or S.) (No. E. or W.)

in the county of Josephine The name of the ditch used is Not applicable

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

7. The proposed point of diversion is located 580 ft. south and 675 ft. west from the NE
(N. or S.) (E. or W.)

corner of NESE being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23 Tp. 35S R. 7W W. M.,
(No. N. or S.) (No. E. or W.)

in the county of Josephine The name of the ditch to be used is Not applicable

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 ¼-¼ of Section	Number Acres To Be Irrigated
35S	7W	23	NESE	3.4 ac.

(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.?
(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, 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 ¼-¼ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are The proposed change in point of diversion will
allow water to be diverted directly onto the land it will irrigate thereby simplifying
the distribution process. The need for easements over non-owned lands and continual
and considerable ditch maintenance will be eliminated.

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

16. The water will be completely applied to the proposed use on or before July 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

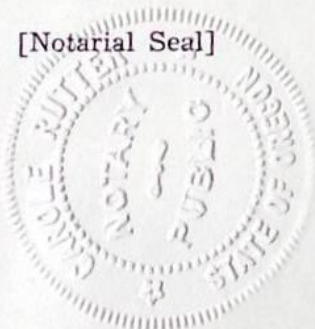
I, Martin G. Bauer, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 21ST day of NOVEMBER, 1979.

Martin G. Bauer
(Name of applicant)

Subscribed and sworn to before me this 21st day of November, 1979.

[Notarial Seal]



Carol Rutter

NOTARY PUBLIC FOR OREGON

My commission expires 1-19-82

RECEIVED

SEPT 1978

WATER RESOURCES DEPT.
SALEM, OREGON

SECTION 23 & 25

T. 35 S., R. 7 W., Will. Mer.

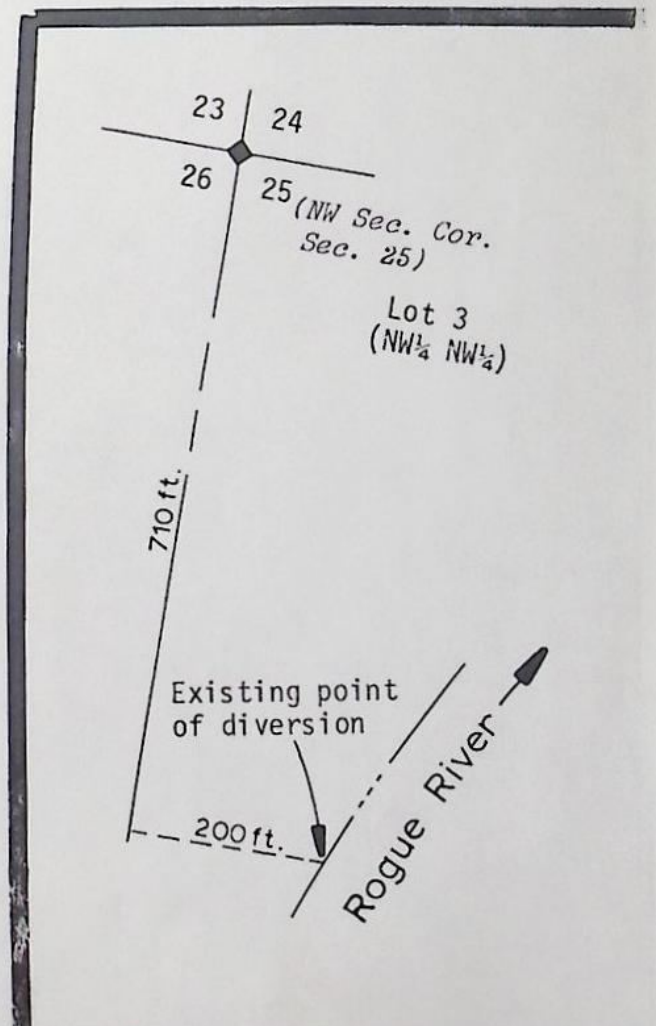
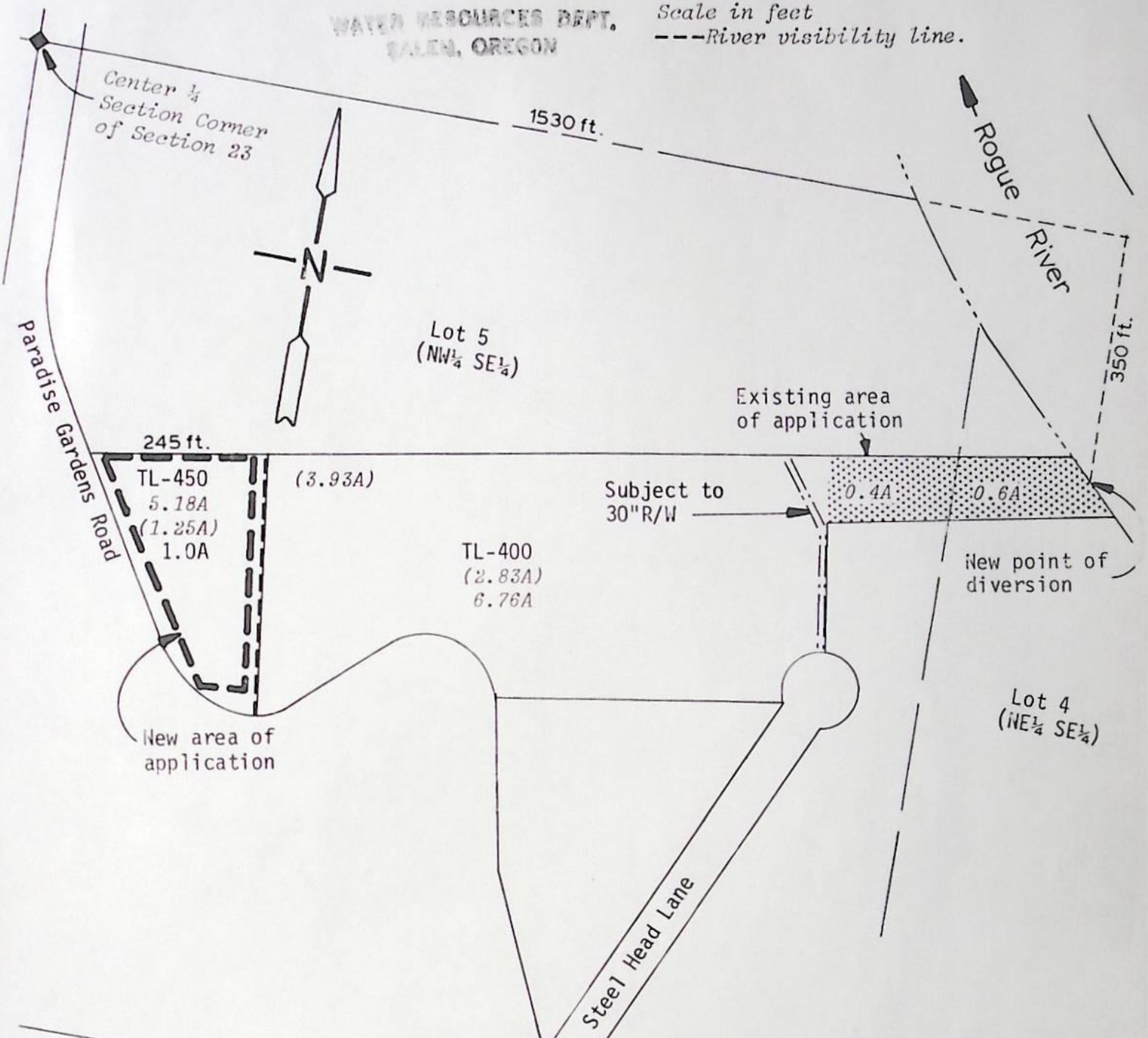
Josephine County, Oregon

0 100 200

Scale in feet

---River visibility line.

T-4038





STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Dec. 3, 1979FROM: ** Robert B. Steimer, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4338IN THE NAME OF Martin G. Bauer

RECEIVED

DEC - 4 1979

WATER RESOURCES DEPT
SALEM, OREGON

In my opinion the proposed change in point of diversion from Rogue River
MAY BE MADE WITHOUT INJURY ~~WILL BE MADE WITHOUT INJURY~~ to an existing water right.

Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the sources 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 . . .
✓ (2) When in the judgment 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

LEGAL NOTICE

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 4338

The Water Resources Director of Oregon has received and filed an application by Martin G. Bauer for approval, without loss of priority, of a change in point of diversion of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 47294, Volume 40, State Record of Water Right Certificates, in the name of A. I. Hussey, and is for the use of not to exceed 0.042 cubic foot per second from Rogue River, under a priority date of May 4, 1932, for irrigation of a certain 3.4 ac in NE 1/4 SE 1/4, Sec 23, T 35S, R 7W, WM.

The authorized point of diversion is located 710 ft S & 200 ft E from the NW corner of Sec 25, being within the NW 1/4 NW 1/4, Sec 25, T 35S, R 7W, WM.

The applicant proposes to change the point of diversion therefrom to a point located 580 ft S & 675 ft W from the NE Corner of the NE 1/4 SE 1/4, being within the NE 1/4 SE 1/4 of Sec 23, T 35S, R 7W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Wednesday, January 23, 1980, at the Josephine County Courthouse, Grants Pass, Oregon. Any objection to the proposed change must be prepared in writing; one copy to be served on the applicant at 180 Glen Drive, 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 26th day of November, 1979

JAMES E. SEXSON,
Director

No. 44—Mon.—Dec. 3, 10 & 17, 1979

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. 4338, 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 December 3, 10 & 17, 1979

Subscribed and sworn to before me this 17th day of

December

19 79

St. Kathleen Johnson
Notary Public of Oregon.

My commission expires 4th day of February, 19 80.

TAX LOT

451

A parcel of land in the Southeast Quarter of Section 23, Township 35 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon, more particularly described as follows: Commencing at a point in the center of a cul de sac at the end of Steelhead Lane, said point being North $31^{\circ} 01' 12''$ East 2308.91 feet from the South Quarter corner of said Section 23; thence North $24^{\circ} 58'$ East 50.00 feet to an iron pipe on the perimeter of said cul de sac, which is the true point of beginning; thence North $80^{\circ} 00'$ East 720.00 feet to Rogue River; thence along Rogue River South $78^{\circ} 52'$ East 64.30 feet to the center of Little Pickett Creek; thence along the center line of Little Pickett Creek the following courses and distances: South $40^{\circ} 41'$ West 107.00 feet, South $11^{\circ} 07'$ East 98.22 feet, South $63^{\circ} 37'$ West 102.41 feet, South $87^{\circ} 37'$ West 64.90 feet, South $9^{\circ} 52'$ West 142.45 feet, North $80^{\circ} 13'$ East 89.20 feet and South $20^{\circ} 32'$ East 109.19 feet; thence North $80^{\circ} 12'$ West 743.91 feet to an iron pipe on the Southeasterly boundary of Steelhead Lane; thence North $24^{\circ} 58'$ East 132.00 feet to an iron pipe on the perimeter of said cul de sac; thence around said perimeter to the right, the long chord of which bears North $6^{\circ} 32'$ East 94.87 feet to the true point of beginning. LESS & EXCEPT: A parcel of land in the Southeast Quarter of Section 23, Township 35 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon, more particularly described as follows: Commencing at a point in the center of a cul de sac at the end of Steelhead Lane, said point being North $31^{\circ} 01' 12''$ East 2308.91 feet from the South Quarter corner of said Section 23; thence North $24^{\circ} 58'$ East 50.00 feet to an iron pipe on the perimeter of said cul de sac, which is the true point of beginning; thence North $80^{\circ} 00'$ East 312.79 feet; thence South $9^{\circ} 48'$ West 308.07 feet; thence North $80^{\circ} 12'$ West 318.00 feet to the Southeasterly right of way line of Steelhead Lane; thence along said right of way line North $24^{\circ} 58'$ East 111.28 feet to an iron pipe on the perimeter of said cul de sac; thence along said perimeter around a curve to the left, the long chord of which bears North $6^{\circ} 32'$ East 94.87 feet, to the true point of beginning.

