

4493 Martin

4493

Name Artie J. + Lois Ann Martin

By _____

Address 6451 Rogue River Hwy
Grants Pass, OR 97526Change in UseDate filed May 6, 1980Date of hearing July 22, 1980Place of hearing Grants Pass✓ Date of order 8-1-80 Vol. 33, page 523Date for application of water complete

Proof mailed _____

Proof received _____

Certificate issued OCT 28 1980 Vol. 43, page 49705 ✓MAR 21 1986 49 54039 ✓to survey 8/80

DESCRIPTION OF WATER RIGHT

Name of stream Wonder Mountain GulchTrib. of _____ County of JosephineUse irr to domesticQuantity of water _____ No. of acres 0.5

Name of ditch _____

Date of priority 10-31-1942In name of Rees

_____ Adjudication, Vol. _____, page _____

App. No. 19817 Per. No. 15325 Cert. No. 20253

Certificate cancelled _____

Notation made on record by _____

REMARKS

See T-7303, 7321, 4434Part of C#20253 cancelled Sp. V 33 P 750See application No 60078 - to provide for use during non-irrigation season

W.R.I.S.

Assembled 2-15-85 by SK

Entered _____ by _____

Verified _____ by _____

FEES PAID

Date	Amount	Receipt No.
<u>5/6/80</u>	<u>35.00</u>	<u>17476</u>
<u>5/20/80</u>	<u>50.00</u>	<u>17716</u>
TOTAL . . .		
	Cert. Fee	

The Daily Courier #36.66 pd 6/24/80 ch# 4252

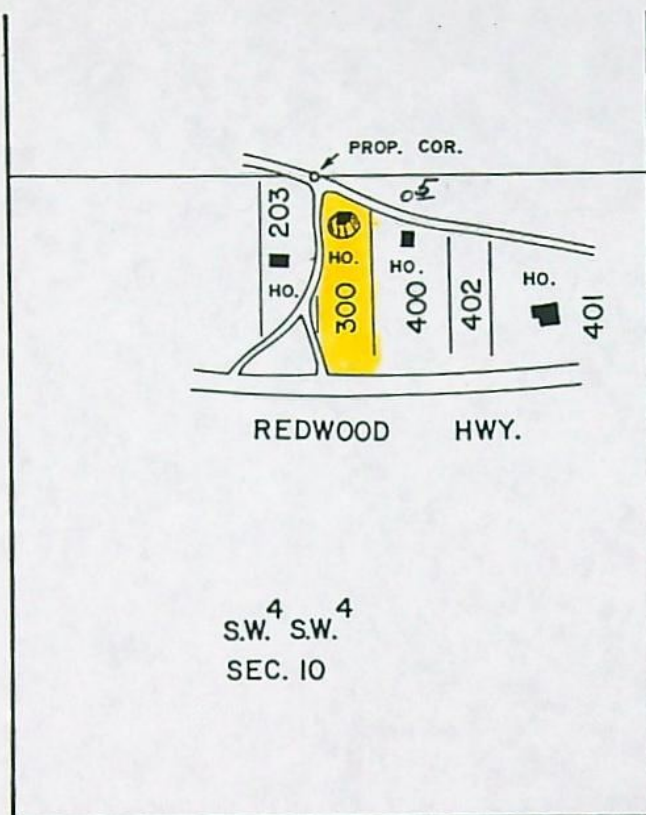
FEES REFUNDED

Date	Amount	Check No.
<u>6/24/80</u>	<u>13.34</u>	<u>4253</u>

6x20
USE 15
10N 36.66
41.66

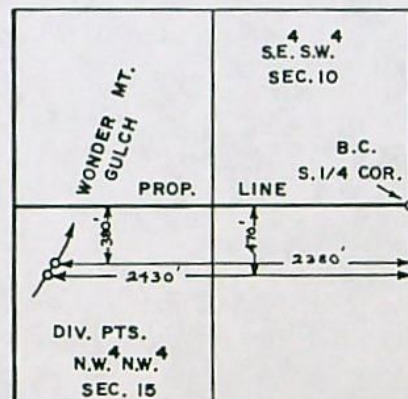
TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
✓	Name	<u>SK</u>
✓	Stream	<u>SK</u>
✓	Pt. of Div.	<u>SK</u>
✓	Calendar	<u>SK</u>
✓	CHECKED TO RECORDS:	
✓	Twp. & Rge.	<u>SK</u>
✓	Decree-vault	
✓	Decree-safe	
✓	Cert. of W/R	<u>SK</u>
✓	Per. Folder	<u>SK</u>
✓	Chainindex	
✓	Cross Ref.	
✓	Power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

T.37S., R.7W., W.M.



SCALE : 1" = 400 FT.

T.37S., R.7W., W.M.



~~FINAL PROOF SURVEY~~

UNDER

TRANSFER NO. 4493

APPLICATION NO. 60078

PERMIT NO. 45655

ARTIE JAMES & LOIS ANN MARTIN

LOT 300

AUGUST 16, 1982; B.S. JAMES

SURVEYED: APRIL 25, 1980; B.R. SUND.

D.H.M.

P.T.S. - 1980-14-A

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

POD
POU
USE
Add'l POD

Transfer NO. 4493

County Josephine

Old Certificate NO. 20253

1. Name Artie J. & Lois Ann Martin
Address 6451 Rogue River Hwy, Grants Pass, OR 97526
2. Source of Supply Wonder Mountain Gulch, Trib of _____
3. Use in to domestic /
4. Amount of Water 0.01 cfs Priority Date 10-31-1942
5. Proposed Point of Diversion _____

6. Completion Date complete

7. Place of Use: _____

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
<u>37S</u>	<u>7W</u>	<u>10</u>	<u>SWSW</u>	<u>1 domestic</u>

RECEIVED

DEC 7 1982

WATER RESOURCES DEPT.
SALEM, OREGON

INSPECTION
8-16-82 BSJ

Application No. 60078

Permit No. 45655

179-1702

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for Permit to Appropriate Surface Water

I, Artie James & Lois Ann Martin
 of 6451 Rogue River Hwy, Grants Pass
 State of Oregon 97526 Phone No. 582-0775 do hereby
 make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is Wonder Mt. Gulch
 a tributary of Slate Creek

2. The point of diversion is to be located 600 ft. S and 400 ft. E
 from the N.W. corner of Section 15 being within
the NW 1/4 - NW 1/4 of Section 15 T 37 S, R
7 W, W.M.
 (If there is more than one point of diversion, each must be described)

being within the NW 1/4 of the NW 1/4 of
 Sec. 15 Tp. 37 S R. 7 W, W. M., in the county of Josephine

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

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
37 S	7 W	10	<u>SW 1/4 SW 1/4</u>	<u>Domestic</u>
"	"	"	"	<u>irrigation</u>
(3/4 acre to be irrigated)				<u>OCFF</u>

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.015 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Wonder Mountain Gulch

The use to which this water is to be applied is domestic use for one family during the non-irrigation season and irrigation, being 0.005 cfs for domestic and 0.01 cfs for irrigation.

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4½ acre-feet per acre for each acre irrigated during the irrigation season of each year,

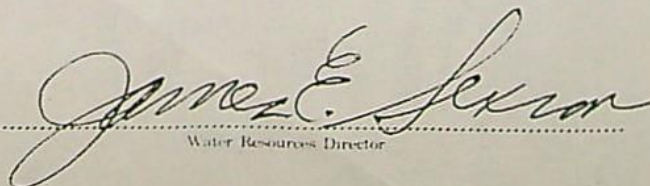
and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is April 25, 1980 for 0.005 cfs and April 17, 1981 for 0.01 cfs

Actual construction work shall begin on or before April 30, 1982 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1983

Complete application of the water to the proposed use shall be made on or before October 1, 1984

WITNESS my hand this 30th day of April, 1981


Water Resources Director

FINAL PROOF ON DOMESTIC APPLICATION NO. 60078 PERMIT NO. 45655

INCLUDING ~~2~~ ACRE 1/2 TRANSFER NO. 4493

INFO: NAME: ARTIE JAMES & LOIS ANN MARTIN

ADDRESS: 6451 ROGUE RIVER HWY, GRANTS TASS.

TALKED TO: ARTIE & LOIS MARTIN

LMS ANN

SOURCES: WONDER MOUNTAIN CULCH

SYSTEM: GRAVITY FLOW THROUGH 2" BLACK PLASTIC LINE
IRRIGATION IS 1/2 ACRE AROUND HOUSE, BY ONE
HOSE BIBB OUTLET.

DOMESTIC USE: No. of Houses: ONE

NAMES OF OWNERS SAME

WHICH DOM. INTENDED:

DIRECTION: DIRECT: ROCK DAM ACROSS CREEK

STRUCTURE:

PUMP: MAKE:

TYPE:

SHOT ON SITE

DISCHARGE SIZE:

MODEL NO.:

RATING:

MOTOR: MAKE:

TYPE:

HP:

RPM:

CONNECTED DIRECT OR PULLEYS:

PIPE: NO. FEET: 2800' 150'

SIZE: 2" 5/8"

TYPE: BLK PLASTIC GARDEN HOSES

SPRINKLERS: No. HEADS: 1

TYPE: LAMNASTRINKLER

MODEL NO.:

NOZZLE SIZE:

MAXIMUM: 1

LIFT: FALL: 160'

SUCTION:

DISCHARGE: 65 PS

PRESSURE AT HOUSE: 65 PSI

USE: DOMESTIC (1) HOUSE & 1/2 ACRE LAWN & GARDEN

TIE: MONUMENTS:

SURVEYED: INSPECTION, RAG TAPE, & PTS-1980-14A

ENGINEERING TECH. I
FIELD ENGINEER

DATE: 8/16/82

NOTE: (HOUSE IS A RENTAL)

(110' X 200' & TAPE MEAS.)

RECEIVED

DEC 7 1982

WATER RESOURCES DEPT.
SALEM, OREGON

69272
37-7-100
TL 300

74887

WARRANTY DEED
TENANTS BY THE ENTIRETY

T-4494
VOL 270 PAGE 952

KNOW ALL MEN BY THESE PRESENTS, That ALBERT L. MASON

hereinafter called the GRANTOR, for the consideration hereinafter stated to the GRANTOR paid by ARTIE J. MARTIN & LOIS ANN MARTIN husband and wife, hereinafter called the GRANTEES, does hereby grant, bargain, sell and convey unto the GRANTEES, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in JOSEPHINE County, Oregon, described as follows, to-wit:

- ✓ A part of the West Half of the Southwest Quarter of Section 10, Township 37 South, Range 7 West of the Willamette Meridian described as: Beginning at a point 1307.39 feet South and 632.44 feet East of the quarter corner between Sections 9 and 10; thence South 70°00' East 122 feet along the center line of a roadway 30 feet in width, thence South to the center line of U. S. Highway #199; thence Westerly along said center line of U. S. Highway #199 to a point due South of the point of beginning; thence North 407.05 feet, more or less, to the point of beginning.

LESS & EXCEPT that portion lying within Redwood Highway.

TOGETHER WITH all water rights appurtenant thereto.

SUBJECT TO:

- (1) Taxes for the year 1970-71, now a lien, but not yet payable. Taxes, including current year, have been assessed with Senior Citizen Exemption. If the exempt status is terminated under the statute prior to the date on which the assessment roll becomes the tax roll in the year in which said taxes were assessed, an additional tax may be levied.
- (2) Rights of the public in and to any portion of the attached premises lying within the boundaries of the public roads.
- (3) Easement, created by instrument, including the terms and provisions thereof, dated November 5, 1952, recorded December 5, 1952, in Book 165, at Page 230, in favor of California Oregon Power Co. for transmission and distribution of electricity. Said right of way to be 20 feet in width. No specific location given.

RECEIVED
APR 25 1980
WATER RESOURCES DEPT.
SALEM, OREGON

TO HAVE AND TO HOLD the above described and granted premises unto the said GRANTEES, as tenants by the entirety, their heirs and assigns forever.

And GRANTOR hereby covenants to and with GRANTEES and the heirs of the survivor and their assigns, that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as stated above, and that GRANTOR will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under any encumbrances described above.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 3,750.00. ~~However, the actual consideration consists of~~ ~~includes other property or value given or promised~~ which is ~~part of the~~ consideration the whole

(indicate which)*

In construing this deed and where the context so requires, the singular includes the plural and the masculine includes the feminine and the neuter.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument on the 28 day of

T-4493

It is noted that the said certificate contains a clerical error in that it describes the quantity of water appropriated for said lands as 0.01 cubic feet per second. The correct quantity, as established in the taking of proof of performance under said permit, is 0.10 cubic feet per second.

~~44-2969~~
~~44-3537~~

Gewürz
~~Zweiländer~~

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF ARTIE J. & LOIS ANN MARTIN)
FOR APPROVAL OF A CHANGE IN USE)
HERETOFORE MADE OF WATER)

ORDER APPROVING
TRANSFER NO. 4493

On May 6, 1980, an application was filed in the office of the Water Resources Director by Artie J. & Lois Ann Martin for approval of a change in use heretofore made from Wonder Mountain Gulch pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 20253, Volume 15, State Record of Water Right Certificates, in the names of R. Glenn and Pearl E. Rees, describes a right established under the terms of Permit No. 15375 for the use of water from Wonder Mountain Gulch for irrigation of a certain 8.0 acres in SW 1/4 SW 1/4, Section 10, Township 37 South, Range 7 West, W.M., with a date of priority of October 31, 1942.

It is noted that the said certificate contains a clerical error in that it describes the quantity of water appropriated for said lands as 0.01 cubic foot per second. The correct quantity, as established in the taking of proof of performance under said permit, is 0.10 cubic foot per second.

Water for the said right is diverted from a point located 60 feet South and 400 feet East from the Northwest Corner of Section 15, being within the NW 1/4 NW 1/4 of Section 15, Township 37 South, Range 7 West, W.M.

The applicants herein propose to sever the right from 0.5 acre of said 8.0 acres and, without loss of priority, to change the use heretofore made from irrigation to domestic use for one family during the irrigation season only.

Notice of the application, pursuant to ORS 540.520(2), was published in the Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of May 29, June 6 and 12, 1980.

Mr. Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed change in use heretofore made may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in use heretofore made may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in use heretofore made, as described herein, without loss of priority, is approved.

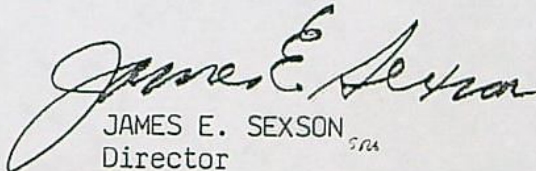
It is FURTHER ORDERED that the quantity of water diverted shall not exceed 0.005 cubic foot per second.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in use heretofore made is completed.

The order of the Water Resources Director entered May 9, 1980, approving transfer application No. 4321, provided for cancellation of the certificate recorded at page 20253, Volume 15, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by said order; 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 1st day of August, 1980.


JAMES E. SEXSON
Director

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MAY 6 1980

WATER RESOURCES DEPT
SALEM, OREGON

35-2

RECEIVED
MAY 25 1980
WATER RESOURCES DEPT
SALEM, OREGONT-4493
4493

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Artie J. Martin & Lois Ann Martin
(Name of applicant)
 of 6451 Rogue River Hwy., Grants Pass,
(Mailing address) (City)
 State of Oregon, 97526, 582-0775 do hereby make application for change
(Zip Code) (Phone number)

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

1. Is the water right recorded in your name? No Rees
(If not, give name)
2. Was your water right determined by Decree of Court? 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 15375 Number of certificate Volume 15 page 20253

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 Wonder Gulch
5. What is the date of priority of your water right? Oct 31, 1942
6. The authorized point of diversion is located 60 ft. S and 400 ft. E from the NW
(N. or S.) (E. or W.)
 corner of Sec 15 being within the NW 1/4 NV 1/4 of Section 15 Tp. 37S R. 7W W. M.,
(No. N. or S.) (No. E. or W.)
 in the county of Josephine The name of the ditch used is no ditch

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

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

8. The use to which the water is applied is
(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
		10	SW $\frac{1}{4}$ SW $\frac{1}{4}$	$\frac{1}{2}$

(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 Domestic
(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
375	7 W	10	SW $\frac{1}{4}$ SW $\frac{1}{4}$	one domestic use

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

15. Construction work will be completed on or before

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

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

Archie J. Martin & Lois Ann Martin, 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 day of, 19.....

Archie J. Martin & Lois Ann Martin
(Name of applicant)

Subscribed and sworn to before me this 24th..... day of April....., 1980.....

[Notarial Seal]

Susan Dousuch
NOTARY PUBLIC FOR OREGON

My commission expires 2-14-84

LEGAL NOTICE

NOTICE OF
WATER RIGHT
TRANSFER APPLICATION
NO. 4493

The Water Resources Director of Oregon has received and filed an application by Artie J. & Lois Ann Martin for approval, without loss of priority, of a change in use heretofore made of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 20253, Volume 15, State Record of Water right Certificates, in the names of R. Glenn & Pearl E. Rees, and is for the use of not to exceed 0.005 cubic foot per second from Wonder Mountain Gulch, under a priority date of Oct. 31, 1942, for irrigation of a certain 0.5 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 10, T 37S, R 7W, WM.

The authorized point of diversion is located 60 ft S & 400 ft E from NW Corner of Sec 15, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 15, T 37S, R 7W, WM.

The applicant proposes to change the use heretofore made to domestic use for one family, during the irrigation season only, located in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 10, T 37S, R 7W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Tuesday, July 22, 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 applicants at 6451 Rogue River Hwy., 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 22nd day of May, 1980.

James E. Sexson,
Director

No. 122—May 29, June 6 & 12, 1980

RECEIVED

JUN 13 1980

WATER RESOURCES DEPT
SALEM, OREGON

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. 4493, 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 May 29, June 6 & 12, 1980 *ok*

Subscribed and sworn to before me this 12th day of June, 19 80

Kathleen Zelniser
Notary Public of Oregon.

My commission expires 4th day of February, 19 84



TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: May 23, 1980.FROM: ** Robert B. Steimer, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4493IN THE NAME OF Artie & Lois Martin

RECEIVED
MAY 27 1980
WATER RESOURCES DEPT
SALEM, OREGON

In my opinion the proposed change in use of water from Wonder Mountain Gulch
MAY BE MADE WITHOUT INJURY [REDACTED] to an existing water right.

Headgate notices [REDACTED] 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? NA
(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 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

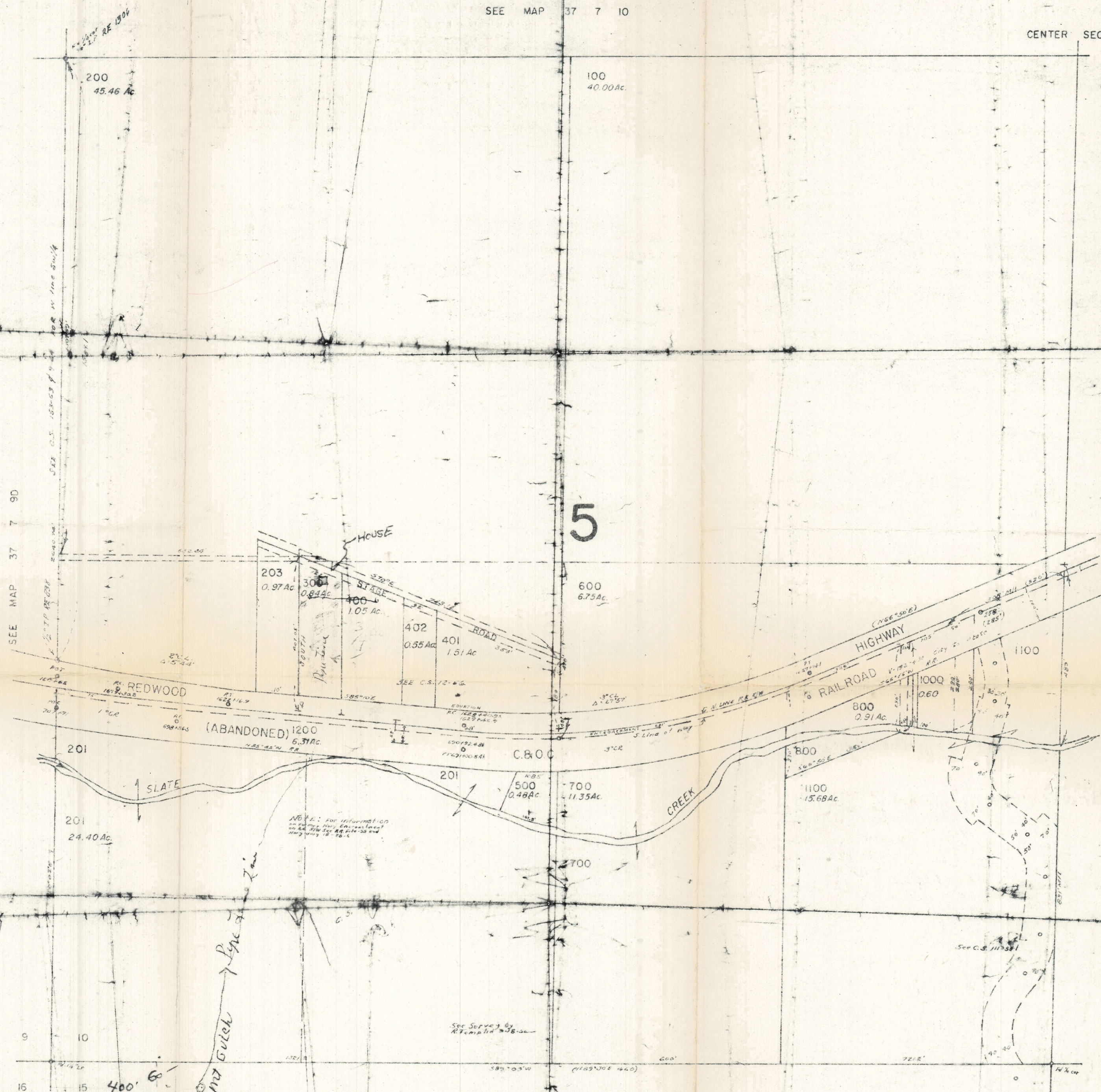
1"=200'

SEE MAP 37 7 10

CENTER SEC. 10

Application No. 60078
Permit No. 45655

CANCELLED T.L.
202
900



RECEIVED
JAN 11 1917

RECEIVED
JAN 19 1917

SEE MAP 37 7 15

