

2388 Anna Belle Beckheiser
 20 Box 275
 Applegate Ore 97530

2388

26

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed May 28, 1970
 Date of hearing August 5, 1970
 Place of hearing Medford, Oregon
 Date of order 12-31-70 Vol. 20, page 313
 Date for application of water 10-1-71
 Proof mailed _____
 Proof received NOV 23 1976
 Certificate issued Vol. 36, page 43969

DESCRIPTION OF WATER RIGHT

Name of stream Big Applegate River
 Trib. of _____ County of Jackson
 Use Irrigation
 Quantity of water 0.04 cfs No. of acres 3⁰
 Name of ditch _____
 Date of priority October 27, 1948
 In name of Jesse A. Wilcoxen
 _____ Adjudication, Vol. _____, page _____
 App. No. 23498 Per. No. 18529 Cert. No. 19707
 Certificate cancelled _____
 Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>5/28/70</u>	<u>25.00</u>	<u>18841</u>
<u>5/28/70</u>	<u>35.00</u>	<u>POV 18842</u>
TOTAL		
<u>6-25-70</u>	<u>\$1 Cert. Fee</u>	<u>from Pub. Not.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>6-25-70</u>	<u>\$9.62</u>	<u>Pub. Not. 3703</u>

REMARKS

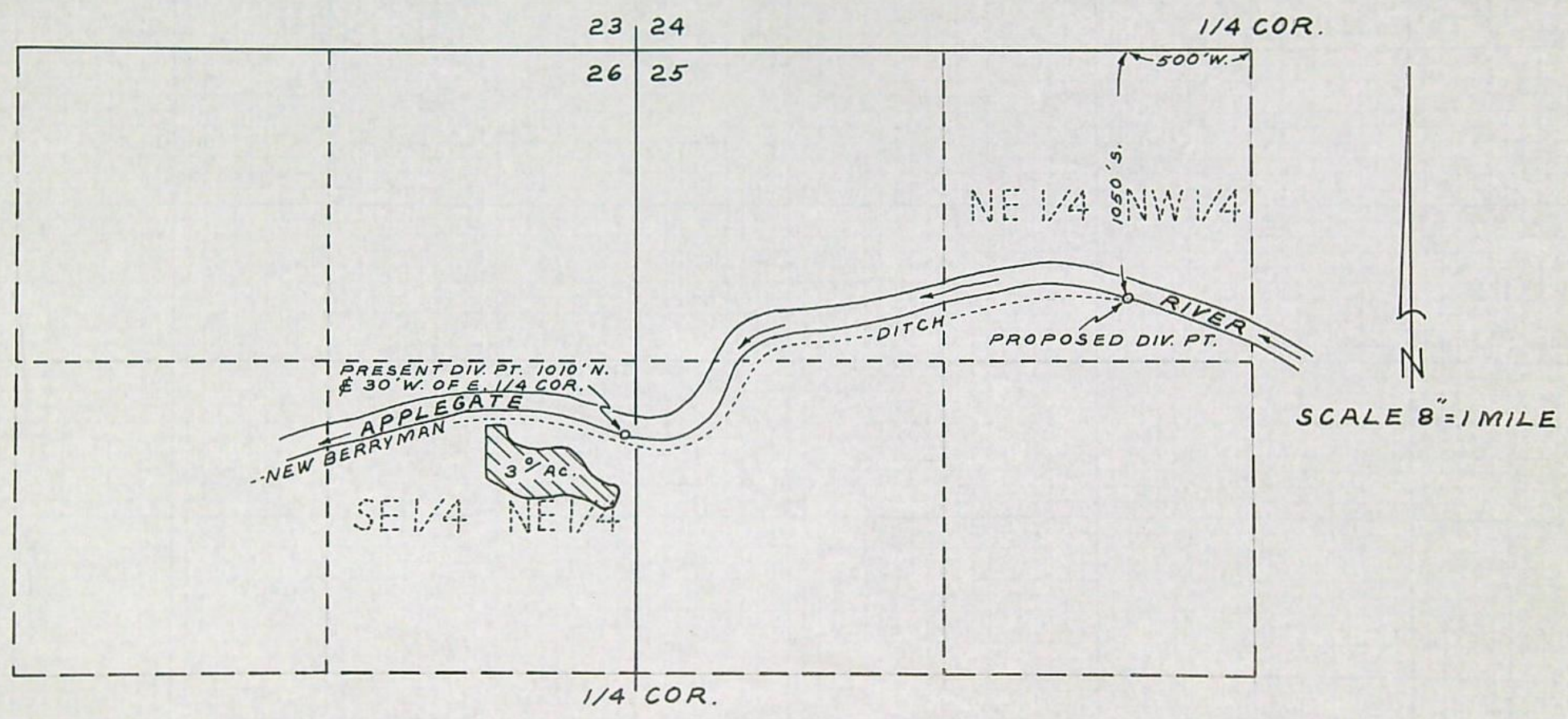
W.R.I.S.
 Assembled 8/19/85 by CLH
 Entered _____ by _____
 Verified _____ by _____

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

2388

MAP TO ACCOMPANY APPLICATION IN NAME OF
ANNA BELLE BERKHEISER FOR CHANGE IN POINT
OF DIVERSION LOCATED IN SEC. 25 & SEC. 26
T. 38 S., R. 4 W., W.M. MAY 25, 1970

RECEIVED
MAY 28 1970
STATE ENGINEER
SALEM OREGON



INFO. ANNA BEZLE BERKHESER - SHE SHOWED US WHAT SHE IRRIGATES. APPEARS THE SAME AS APPL. MAP.

DIV - ROCK AND BOARD DAM ACROSS ADLEGATE RIVER.

DAM APPEAR TO BE TEMPORARY, AND THAT IT IS REBUILT EACH SPRING.

RE-DIV - A.B. BERKHESER PUMPS OUT OF DITCH ABOUT WHERE OLD DIV. ~~IS~~ WAS

PUMP - BARNES DDC 1 1/2" x 1 1/2"

MOTOR - BARNES 3/4 H.P. @ 3450 RPM

PIPE - 1" PLASTIC (A LOT OF IT)

2" BURIED PLASTIC ~~IS~~ IN EAST 1/3 OF AREA (THIS HOUSE & GARDEN AREA)

HEAD - 2 MENTOR 1/8"

NUMEROUS LAWN SPRINKLER

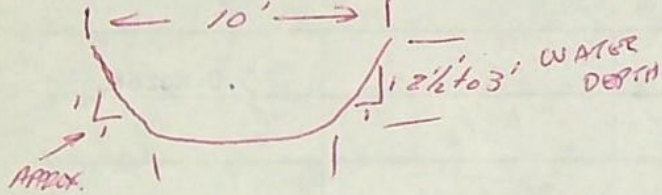
(2 RB TYPES + 1 LAWN SPR. MAX)
SAID THIS IS PUSHING IT

USE - LAWN, GARDEN, CHRISTMAS TREES, PASTURE

LIFT - +15' TO +25'

TIE - INSPECTION DIV. PT. THIS TRANSFER AND H-195 3/11-196

DITCH - AT BEGINNING IS



Larry
T.E.
8/2/75

DUTY: 0.04 cfs

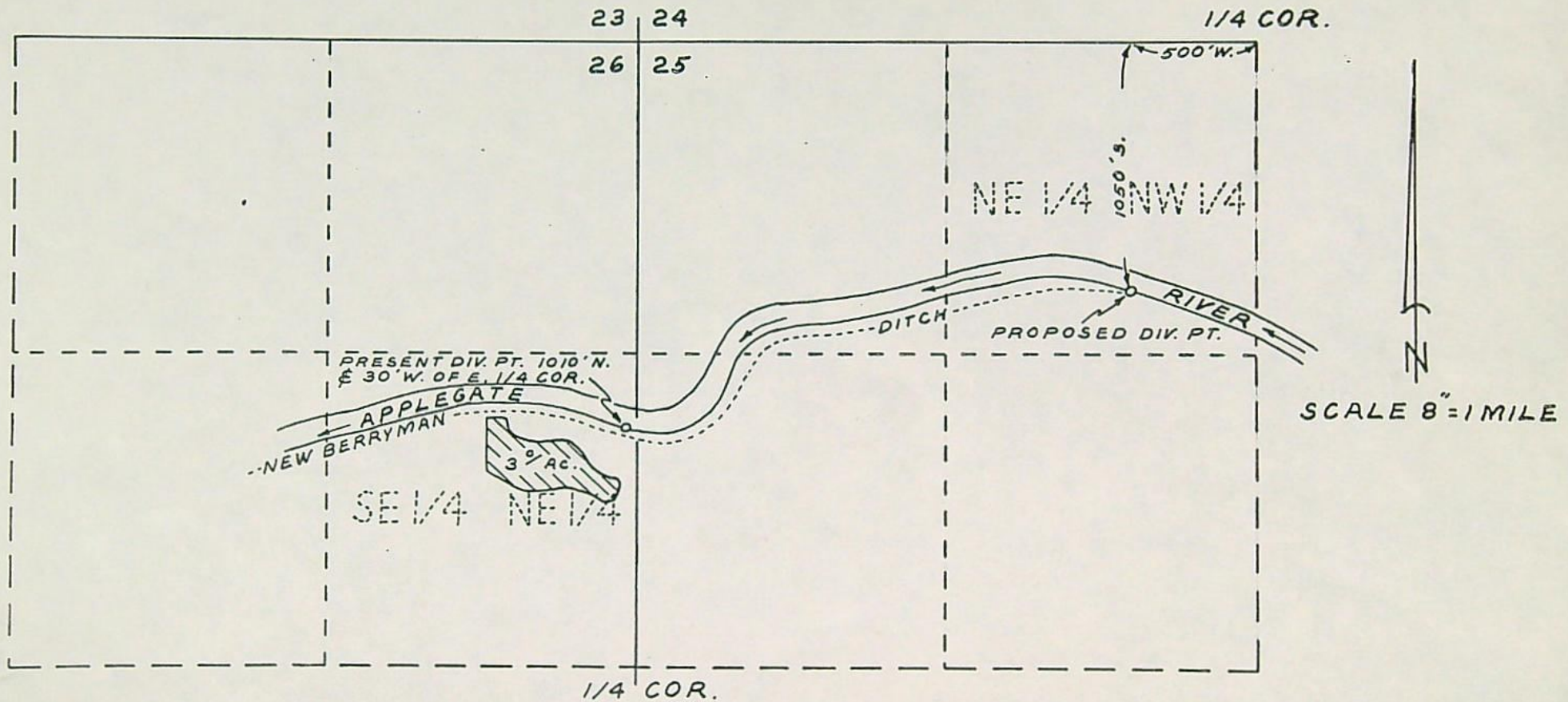
@ 40 psi { PUMP: $\frac{(6.61)(3/4)}{102+25} = 0.04$
 HEADS: $\frac{(2.9)(2) + (4.4)}{450} = 0.02$

@ 50 psi { PUMP: $\frac{(6.61)(.75)}{127+25} = 0.033 \approx 0.03$
 HEADS: $\frac{(3.2)(2) + (5.0)}{450} = 0.0253 \approx 0.03$

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MAP TO ACCOMPANY APPLICATION IN NAME OF
ANNA BELLE BERKHEISER FOR CHANGE IN POINT
OF DIVERSION LOCATED IN SEC. 25 & SEC. 26
T. 38 S., R. 4 W., W. M. MAY 25, 1970

RECEIVED
MAY 23 1970
STATE ENGINEER
SALEM OREGON



BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF ANNA BELLE BERKHEISER FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM BIG)
APPLEGATE RIVER)

ORDER APPROVING
TRANSFER NO. 2388

On May 28, 1970, Anna Belle Berkheiser filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Big Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Jesse A. Wilcoxon and recorded at page 19707, Volume 14, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.04 cubic foot per second of the waters of Big Applegate River for the irrigation of 3.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 38 South, Range 4 West, W.M., with a date of priority of October 27, 1948. These lands are irrigated from a point of diversion located 1010 feet north and 30 feet west from the E $\frac{1}{4}$ corner of Section 26 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 38 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the New Berryman Ditch from a point of diversion to be located 1050 feet south and 500 feet west from the NW $\frac{1}{4}$ corner of Section 25 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 38 South, Range 4 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on August 5, 1970, at 9:30 a.m. The notice was published in the Medford Mail

Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of June 10, 17, and 24, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report 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 proposed change in point of diversion of water from Big Applegate River, to-wit:

From a point located 1010 feet north and 30 feet west from the E $\frac{1}{4}$ corner of Section 26 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 38 South, Range 4 West, W.M.

To a point to be located 1050 feet south and 500 feet west from the N $\frac{1}{4}$ corner of Section 25 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 38 South, Range 4 West, W.M.

for the irrigation of 3.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 38 South, Range 4 West, W.M., with a date of priority of October 27, 1948, is approved.

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, 1971.

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 and shall not exceed 0.04 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall

be effective when in the judgement 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 certificate of water right heretofore issued to Jesse A. Wilcoxon and recorded at page 19707, Volume 14, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Anna Belle Berkheiser confirming the change in point of diversion.

Dated at Salem, Oregon, this 31st day of December, 1970.

/s/ CHRIS L. WHEELER
State Engineer

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Anna Belle Berkheiser
(Name of applicant)

of P. O. Box 275, Applegate,
(Postoffice) County of Jackson

State of Oregon 97530, do hereby make application for change in point of diversion.

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

1. The source of present water right is Big Applegate River.
(Name of stream)

2. The use to which the water is applied is irrigation.
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is pump.

4. The point of diversion is located 1010 ft. N. and 30 ft. W. from the E¹/₄
(N. or S.) (E. or W.)

corner of Section 26 being within the SE¹/₄ NE¹/₄
(Section or subdivision)

of Section 26 Tp. 38 S. R. 4 W. W. M., in the County of Jackson.
(No. N. or S.) (No. E. or W.)

5. Give the number of acres irrigated in each smallest legal subdivision (40-acre tract). Only show the acreage which is being transferred. If the water is used for power, mining or other use, show place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄
38 S	4 W	26				NE ¹ / ₄ 3												

*All
0.04*

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

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

7. Have the lands above described been irrigated during the past 5 years? Yes.

8. What is the priority date of your water right? October 27, 1948.

9. Was your water right acquired by State Engineer's Permit? Yes. If so, give number
(Yes or No)
of permit 18529.

10. Do you hold a water right certificate? Yes. If so, give number of certificate 19707
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No. If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? No, Jesse A. Wilcoxon.
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 1050 ft. S. and 500 ft. W. from the N $\frac{1}{4}$
(N. or S.) (E. or W.)
corner of Sec. 25 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25 Tp. 38 S. R. 4 W. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Jackson. The name of the ditch to be used is New Berryman Ditch.

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes.

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? Yes.

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are to cut down on pumping lift and have permanent pumping plant above high water.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

} ss.

I, Anna Belle Berkheiser, 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 18th day of May, 1970.

Anna Belle Berkheiser (Name of applicant)

Subscribed and sworn to before me this 18th day of May, 1970.

[Notarial Seal]

Phyllis Gilman NOTARY PUBLIC FOR OREGON

My commission expires 3-2-73

Remarks

This application must be accompanied by a map showing the location of the point of diversion, place of use and works utilized under the present water right. The map should also show the new point of diversion or place of use, as the case may be.

**NOTICE OF FILING
APPLICATION FOR A CHANGE
IN POINT OF DIVERSION
OF WATER**

Notice is given hereby that Anna Belle Berkheiser has filed an application for the approval of a change in point of diversion of water from Big Applegate River.

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All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on August 5, 1970, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Anna Belle Berkheiser, P.O. Box 275, Applegate, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 3rd day of June, 1970.

CHRIS L. WHEELER
State Engineer

RECEIVED
JUN 25 1970

Affidavit of Publication
STATE ENGINEER
SALEM OREGON

State of Oregon, }
County of Jackson } ss.

Sarah Hayes

1., being first duly

sworn, depose and say that I am the.....
OWNER, EDITOR, PUBLISHER, MANAGER.

Principal Clerk

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state:

that the Notice Filing Application for Change in
Point of Div. of Water(Berkheiser)

....., 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 June 10, 17, 24, 1970
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sarah Hayes

Subscribed and sworn to before me this 24th day of June, 19 70

Alta Lindsey
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of Oct., 19 73