

# STATUS OF APPLICATION

Change in Point of Diversion  
 Date filed October 13, 1971  
 Date of hearing MAY 30, 1972  
 Place of hearing Medford, Ore.  
 Date of order 6-28-72 Vol. 22, page 79  
 Date for application of water 10-1-73  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued \_\_\_\_\_ Vol. 30, page 49837

JAN 29 1979 40 47281

# DESCRIPTION OF WATER RIGHT

Name of stream Applegate River  
 Trib. of - County of Jackson  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 2 3/4  
 Name of ditch Swayne  
 Date of priority 1892  
 In name of Benton Pool  
Roque River Adjudication, Vol. 4, page 23, col. 2  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 16247  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by sh

# FEES PAID

Date	Amount	Receipt No.
<u>10-13-71</u>	<u>60.00</u>	<u>25793</u>
<u>5-26-72</u>	<u>\$1.06 P.O.N.</u>	<u>28518</u>
TOTAL . . .	<u>\$3.00</u>	<u>28519</u>
<u>5-26-72</u>	<u>#3.00</u>	
	<u>Cert. Fee</u>	

# FEES REFUNDED

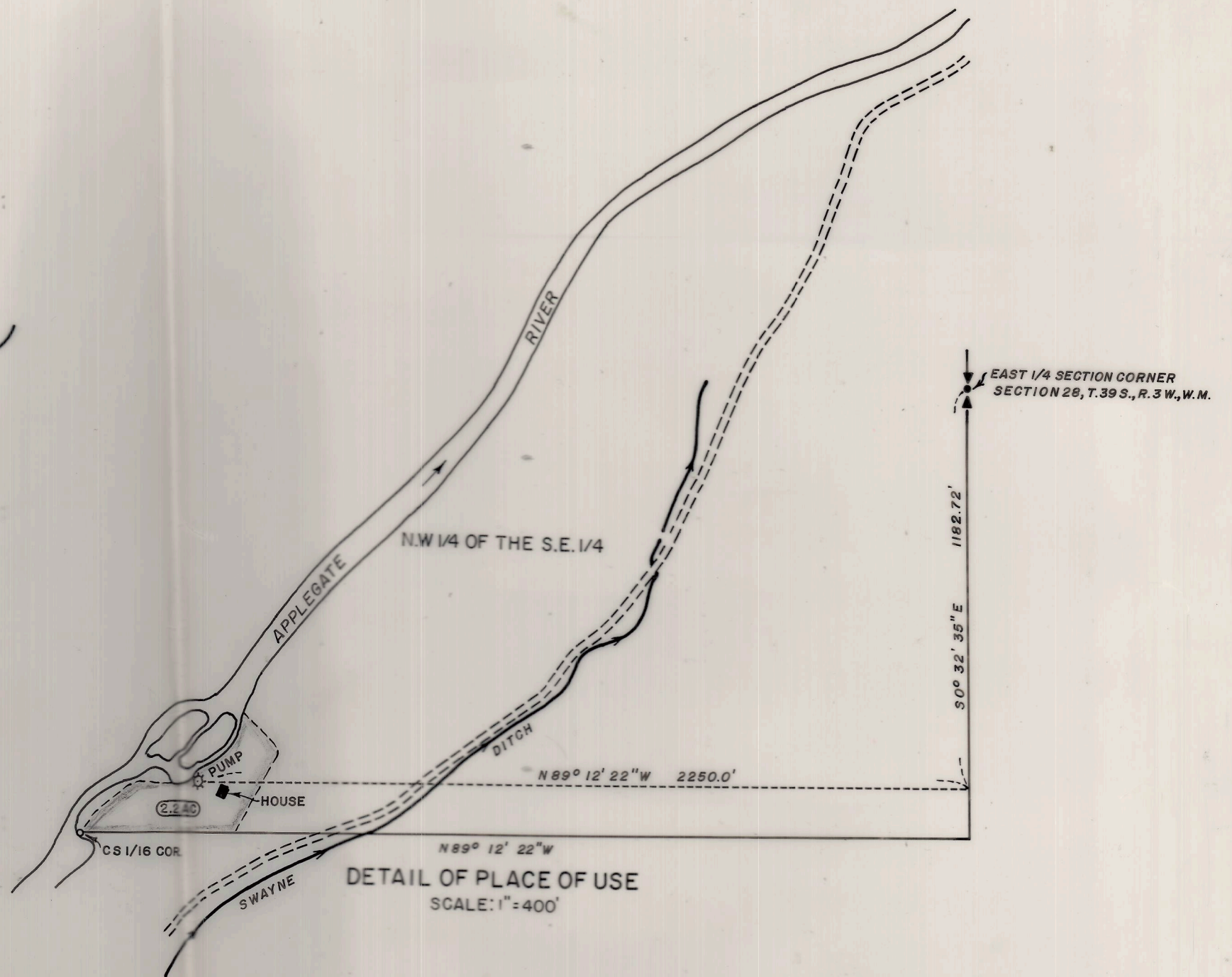
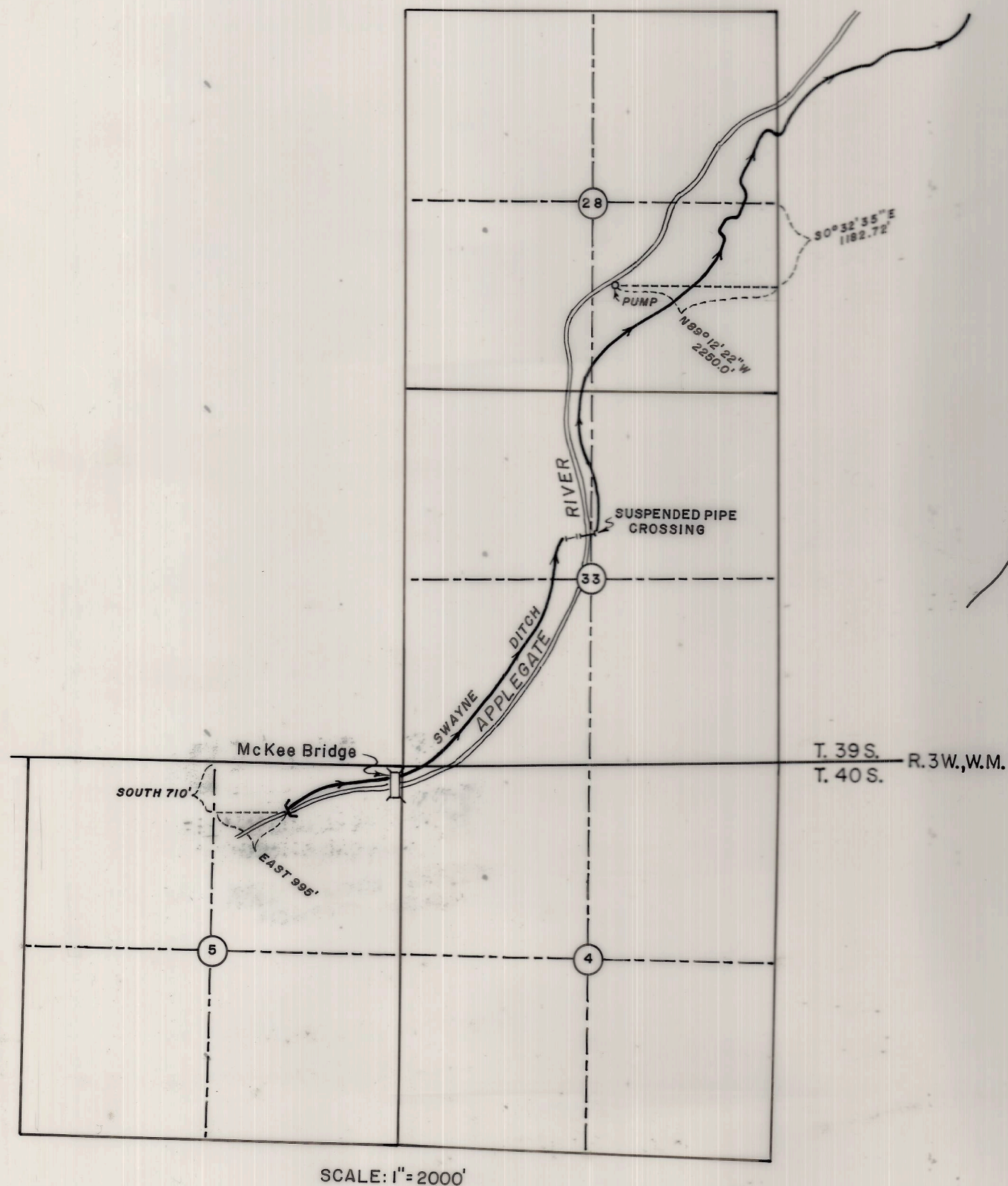
Date	Amount	Check No.

# REMARKS

SEE T-4701 A POV 7 3/4 acres

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





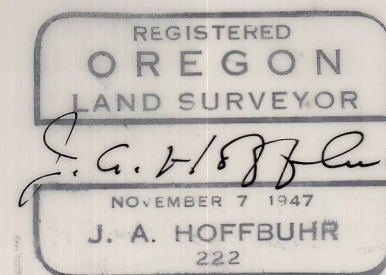
**RECEIVED**  
OCT 13 1971  
STATE ENGINEER  
SALEM, OREGON

MAP SHOWING ACREAGE AND LOCATION OF WATER RIGHT  
TO ACCOMPANY APPLICATION FOR CHANGE OF DIVERSION

FOR

**J. A. HOFFBUHR**

J. A. HOFFBUHR, REG. L.S., MEDFORD, OREGON  
SCALE, AS SHOWN SEPT. 15, 1971





BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF JACK HOFFBUHR FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM APPLGATE RIVER )  
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ORDER APPROVING  
TRANSFER NO. 2575

On October 13, 1971, Jack Hoffbuhr filed an application in the office of the State Engineer for a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the Rogue River, a water right was established in the name of Benton Pool for the use of the waters of Applegate River, for the irrigation of, among other lands, 2.2 acres in NW¼ SE¼, Section 28, Township 39 South, Range 3 West, W.M., with a date of priority of 1892. These lands are irrigated by means of the Swayne Ditch, from a point of diversion located 710 feet South and 995 feet East from the North ¼ corner of Section 5, being within the NW¼ NE¼, of Section 5, Township 40 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands by means of a pump located at a point of diversion South 0° 32' 35" East, 1182.72 feet and North 89° 12' 22" West, 2250.00 feet from the East ¼ corner of Section 28, being within the NW¼ SE¼ of Section 28, Township 39 South, Range 3 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 May 30, 1972, 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 April 5, 12 and 19, 1972. 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 of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Applegate River, to-wit:

From a point located 710 feet South and 995 feet East from the North  $\frac{1}{4}$  corner of Section 5, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 5, Township 40 South, Range 3 West, W.M.

To a point to be located South  $0^{\circ} 32' 35''$  East, 1182.72 feet and North  $89^{\circ} 12' 22''$  West 2250.00 feet from the East  $\frac{1}{4}$  corner of Section 28, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 28, Township 39 South, Range 3 West, W.M.

for the irrigation of 2.2 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 28, Township 39 South, Range 3 West, W.M., with a date of priority of 1892, 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, 1973.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.055 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 Benton Pool and recorded at page 16247, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, 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 Jack Hoffbuhr confirming said change in point of diversion.

Dated at Salem, Oregon, this 28th day of June, 1972.

/s/

CHRIS L. WHEELER  
State Engineer



Superseded by

Cert. No.

38229

38779

## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That JACK HOFFBUHR

510 W. 6th St

of ~~Buncom~~ MEDFORD

, State of Oregon 97501, has a right to the use of

the waters of Applegate River, a tributary of Rogue River

for the purpose of irrigation of <sup>2.2</sup> ~~1.2~~ 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 STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1892;

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 <sup>1.05</sup> ~~1.05~~ cubic feet per second.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

~~20 acres in SE 1/4 NE 1/4~~  
~~12 acres in NE 1/4 SE 1/4~~  
 2.2 ~~10~~ acres in NW 1/4 SE 1/4  
 Section 28,  
 T. 39 S., R. 3 W., W. M.

Div. Pt: NW 1/4 SE 1/4 Sec 28 39 S 3 W W.M.

S 0° 32' 35" E, 1182.72 ft and N 89° 12' 22" W, 2250 ft  
 from E 1/4 Cor Sec 28

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered JUNE 28, 1972 and together with certificate of water right recorded on Page 38779, Volume 30, SRWRC supersedes certificate of water right recorded on Page 16247, Volume 13, SRWRC.

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

WITNESS the signature of the State Engineer, affixed

this 30 day of September, 1949.

CHAS. E. SPRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16247



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That Benton Pool

of Buncom, State of Oregon, has a right to the use of  
the waters of Applegate River, a tributary of Rogue River  
for the purpose of irrigation of <sup>39.8</sup>~~42~~ 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 STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby  
confirmed dates from 1892;

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 ~~1.05~~ <sup>0.995</sup> cubic feet per  
second.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,  
if for other purposes, the place where such water is put to beneficial use), is as follows:

20 acres in SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
12 acres in NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
<sup>7.8</sup> ~~10~~ acres in NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
Section 28,  
T. 39 S., R. 3 W., W. M.

Certificate of water right issued to Benton Pool and recorded at page 16247,  
Volume 13, State Record of Water Right Certificates, confirms the right to the use of  
water for irrigation of 42.0 acres. A change in the <sup>Point of Diversion</sup>~~right to the use of water~~  
appurtenant to 2.2 acres was approved by order of the State Engineer entered June 28,  
1972. This certificate is issued to confirm the remaining right to the use of water for  
irrigation and supersedes the certificate heretofore issued to Benton Pool.

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 State Engineer, affixed

this ~~30~~ day of September, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16247



RECEIVED

APR 20 1972

STATE ENGINEER

SALEM OREGON

## Affidavit of Publication

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

Notice is given hereby that Jack Hoffbuhr has filed an application for the approval of a change in point of diversion of water from Applegate River.

In the Rogue River Adjudication Proceedings a water right was established in the name of Benton Pool for the use of the waters of Applegate River for the irrigation of, among other lands, 2.2 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 28, Township 39 South, Range 3 West, W.M., with a date of priority of 1892.

The water is conveyed to these lands by means of the Swayne Ditch with a point of diversion located 710 feet South and 995 feet East from the North  $\frac{1}{4}$  corner of Section 5, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 5, Township 40 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of a pump located South 0° 32' 35" East 1182.72 feet, thence North 89° 12' 22" West, 2250.00 feet from the East  $\frac{1}{4}$  corner of Section 28, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 28, Township 39 South, Range 3 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on May 30, 1972, 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 Jack Hoffbuhr, 510 West 6th Street, Medford, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

CHRIS L. WHEELER  
State Engineer

State of Oregon,

County of Jackson

SS.

1. Evalynne D. Smith, 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 of Filing Appl. for a Change in Point of Div. of Water - Jack Hoffbuhr, 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 April 5, 12, 19, 1972

(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Evalynne D. Smith

Subscribed and sworn to before me this 19th day of April, 19 72

Alta M. Lindsey

NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of October, 19 73

st