

8117 Walter Schmidt
3654 Upper Applegate Rd
Jacksonville, Ore 97530

2801

STATUS OF APPLICATION

Change in Pt. of Diversion
Date filed April 30, 1973
Date of hearing _____
Place of hearing _____
Date of order 7-19-73 Vol. 23, page 368
Date for application of water 10-1-74 ¹⁰⁻¹⁻⁷⁵
Proof mailed _____
Proof received _____
Certificate issued MAY 24 1974 Vol. 32, page 40384
APR 30 1979 41 47898
Summary 11/79

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 4²
Name of ditch _____
Date of priority Dec. 16, 1953
In name of F.C. Preston, Jr.
_____ Adjudication, Vol. _____, page _____
App. No. 28938 Per. No. 22765 Cert. No. 22553
Certificate cancelled _____
Notation made on record by _____

REMARKS

W.R.I.S.	
Assembled	<u>6/13/85</u> by <u>C.L.H.</u>
Entered	_____ by _____
Verified	_____ by _____

FEES PAID

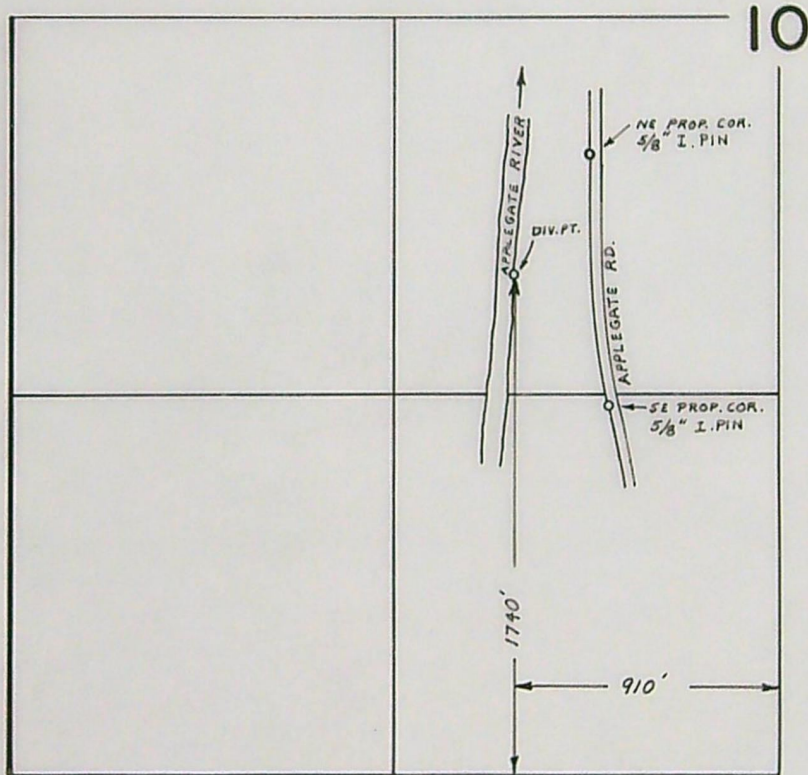
Date	Amount	Receipt No.
<u>4-30-73</u>	<u>25.00</u>	<u>33536</u>
TOTAL . . .	<u>300</u>	
<u>10-26-73</u>	Cert. Fee	<u>37206</u>

FEES REFUNDED

Date	Amount	Check No.

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

T. 39 S., R. 3 W., W.M.



SCALE: 1" = 660 FT.

FINAL PROOF SURVEY
UNDER

Transfer No. 2801

Application No. Permit No.
IN NAME OF

WALTER E. SCHMIDT

Surveyed JUN. 6 1978, by B. SUND

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }
OF WINIFRED P. WALSH FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM APPEGATE }
RIVER }

ORDER APPROVING
TRANSFER NO. 3283

On July 16, 1975, Winifred P. Walsh filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to F. C. Preston, Jr., and recorded at Page 40384, Volume 32, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.20 cubic foot per second of water from Applegate River for the irrigation of, among other lands, 5.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 39 South, Range 3 West, W.M., with a date of priority of December 16, 1953. These lands are irrigated from a point of diversion located 725 feet North and 1125 feet West from the South quarter-corner of Section 10, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 39 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 300 feet North and 1180 feet West from the South quarter-corner of Section 10, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 39 South, Range 3 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

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 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 725 feet North and 1125 feet West from the South quarter-corner of Section 10, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 39 South, Range 3 West, W.M.

To a point to be located 300 feet North and 1180 feet West from the South quarter-corner of Section 10, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 39 South, Range 3 West, W.M.

for the irrigation of 5.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 39 South, Range 3 West, W.M., with a date of priority of December 16, 1953, 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, 1976.

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 0.07 cubic feet 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 head-gates 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 certificate of water right heretofore issued to F. C. Preston, Jr., and recorded at Page 40384, Volume 32, 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 receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Winifred P. Walsh confirming the change in point of diversion.

Dated at Salem, Oregon, this 22nd day of December, 1975.

/s/JAMES E. SEXSON
Director

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF WALTER E. SCHMIDT FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM APPLGATE)
RIVER)

ORDER APPROVING
TRANSFER NO. 2801

On April 30, 1973, Walter E. Schmidt filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to F. C. Preston, Jr. and recorded at page 22553, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic feet per second of water from Applegate River for the irrigation of, among other lands, 3.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.4 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 39 South, Range 3 West, W.M., with a date of priority of December 16, 1953. These lands are irrigated from a point of diversion located 725 feet North and 1125 feet West from the South $\frac{1}{4}$ corner of Section 10, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 39 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1820 feet North and 920 feet West from the South $\frac{1}{4}$ corner of Section 10, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 39 South, Range 3 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said Section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there

are no intervening diversions.

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 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 725 feet North and 1125 feet West from the South $\frac{1}{2}$ corner of Section 10, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 39 South, Range 3 West, W.M.

To a point to be located 1820 feet North and 920 feet West from the South $\frac{1}{2}$ corner of Section 10, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 39 South, Range 3 West, W.M.

for the irrigation of 3.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.4 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 39 South, Range 3 West, W.M., with a date of priority of December 16, 1953, 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, 1974.

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 0.05 cubic feet 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 F. C. Preston, Jr., and recorded at page 22553, Volume 16, 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 Walter E. Schmidt confirming the change in point of diversion.

Dated at Salem, Oregon, this 19th day of July, 1973.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON
COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

OKNT
WE PAY \$10.50
HAVE \$1.50 (#37206)
Superseded by 43587
Gett. No. 40384
Rec. Or. V. 23, p. 368

This Is to Certify, That WALTER E. SCHMIDT
P. C. FLETCHER, JR.
of 3654 Applegate Road, Jacksonville
of 200 White Oak Drive, Medford, State of Oregon 97530, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Applegate River
a tributary of Rogue River for the purpose of
irrigation of 4.2 acre
under Permit No. 22765 of the State Engineer, 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 December 16, 1953

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
0.25 cubic foot per second
0.05

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SE 1/4 SW 1/4, Section 10, Township 39 South, Range 3
West, W. M. NE 1/4

1740 ft N AND 910 ft W from S 1/4 Cor Sec 10

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 1 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:

.3.8 acres in the NE 1/4 SW 1/4
0.4 15.8 acres in the SE 1/4 SW 1/4
Section 10
Township 39 South, Range 3 West, W. M.

Ch. Pl. 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

This certificate is issued to confirm a change in point of diversion approved
by an order of the WRD entered July 19, 1973 and together with certificate of water right
recorded on Page 40384, Volume 32, SRWRC supersedes certificate of
water right recorded on Page 22553, Volume 16, SRWRC.

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

use herein ascribed.

WITNESS the signature of the State Engineer, affixed

this 8th day of May, 19 57.

ERIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 22553.

~~43587~~ 47898

STATE OF OREGON
COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That F. C. PRESTON, JR.

of 186 White Oak Drive, Medford, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Applegate River a tributary of Rogue River for the purpose of irrigation of 15.4 acres under Permit No. 22765 of the State Engineer, 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 December 16, 1953

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 0.25 cubic foot per second

0.20

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 39 South, Range 3 West, W. M.

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 $\frac{1}{2}$ 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:

~~3.8 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$~~
15.4 ~~15.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$~~
Section 10
Township 39 South, Range 3 West, W. M.

19 L

An order of the State Engineer entered July 19 1973, approves a change in Pt. of Div. for the irrigation of 4.2 acres. This certificate is issued to F.C. Preston, Jr. and recorded at page 22553, State Record of Water Right Certificates.

WITNESS the signature of the State Engineer, affixed

this 8th day of May, 19 57.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 22553.

40384