

2536 Jay C. Newman
Rt 1, Box 290
Jacksonville, Ore. 97530

2536

STATUS OF APPLICATION

Change in Point of Diversion
Date filed June 15, 1970
Date of hearing December 28, 1971
Place of hearing Medford, Oregon
Date of order 1-25-73 Vol. 22, page 430
Date for application of water October 1, 1973
Proof mailed _____
Proof received _____
Certificate issued FEB 26 1974 Vol. 31, page 129835
Survey 3-16-73

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 22.7
Name of ditch Goodwill
Date of priority 1902
In name of Bessie Smith
Rogue River Adjudication, Vol. 13, page 410
App. No. _____ Per. No. _____ Cert. No. 32904
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>6-15-71</u>	<u>25.00</u>	<u>24152</u>
<u>6-15-71</u>	<u>40.00</u> POM	<u>24153</u>
TOTAL . . .		
<u>11-19-71</u>	<u>\$1 Cert. Fee</u>	<u>from Pub. ght.</u>
<u>50¢ 38537</u>		

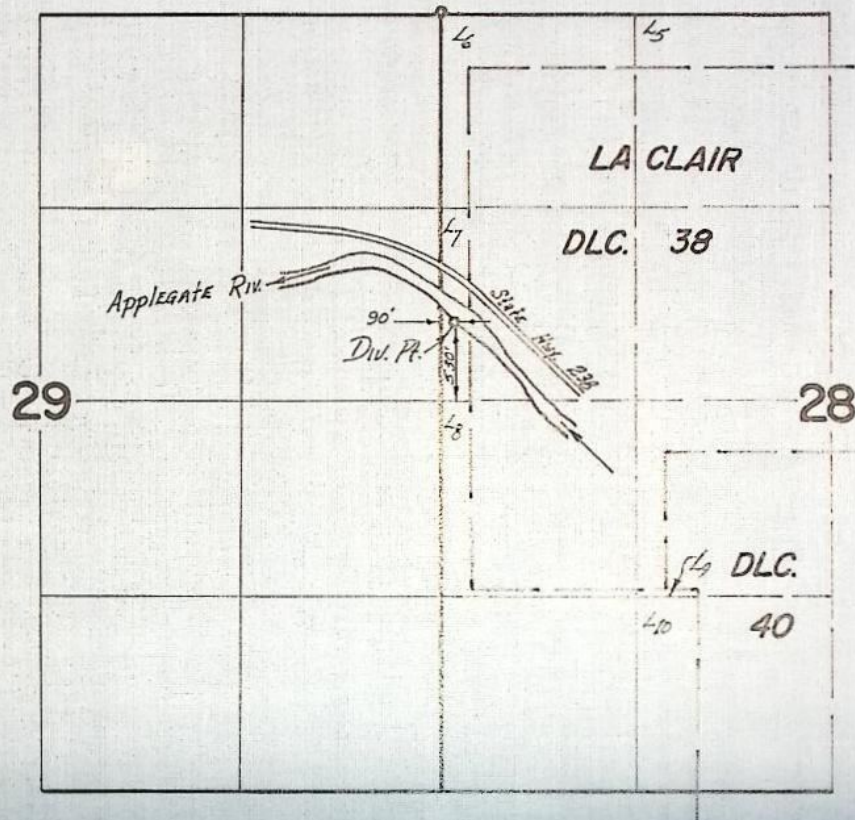
FEES REFUNDED

Date	Amount	Check No.
<u>11-19-71</u>	<u>\$14.19 Pub. ght.</u>	<u>4474</u>

REMARKS

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

T.38S.,R.3W.,W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2536
Application No. _____ Permit No. _____
IN NAME OF
JOY C. NEWMAN

Surveyed Oct. 18 1973, by D. Norby

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR

6. Place of Use

[illegible]

(SUPERCEDES CERT. 32904)

INFO: Joy Newman showed us her new div. pt.
and the land irr from. There is more land
than on the map being irr. but this is part
of it.

SOURCE: Applegate River

Div. Pt.: Directly out of River

MOTOR: 3 ϕ G.E.

7 1/2 HP @ 3525

PUMP: Cornell
Cent. D.O.
3x2

PIPE: 650' 6" Buried PVC

800' 4" Alum

600' 3" Alum

600' 2" Alum

HEADS: 30 RB 30 3/16 x 3/32
(23 max)

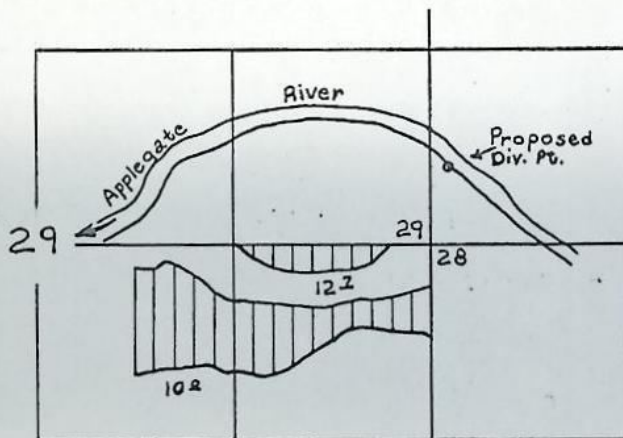
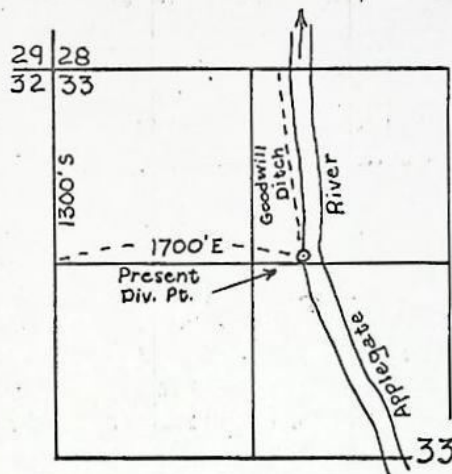
LIFT: +10

CROP: Pasture

TIE: Photo BAX-4AA-83

David Forby
F.E.
10-18-73

T.38S. R.3W.W.M.



Proposed Div. Pt. is
530'N + 100'E From
The W 1/4 Cor. of
Sec. 28

RECEIVED
JUN 15 1971
STATE ENGINEER
SALEM, OREGON

Map to accompany application in the
name of Joy C. Newman for a change
in point of diversion

Scale 4" = 1 Mile

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF JOY C. NEWMAN FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM APPLGATE RIVER)

ORDER APPROVING
TRANSFER NO. 2536

On June 15, 1971, Joy C. Newman 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 Supplemental Decree of the Circuit Court for Jackson County, Oregon, entered January 10, 1940, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was established in the name of Bessie Smith for the use of the waters of Applegate River for the irrigation of 12.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 10.0 acres in E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, Township 38 South, Range 3 West, W.M., with a date of priority of 1908. These lands are irrigated through the Goodwill Ditch from a point of diversion located 1300 feet South and 1700 feet East from the NW corner of Section 33 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 38 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 at a point of diversion located 530 feet North and 100 feet East from the W $\frac{1}{2}$ corner of Section 28 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 38 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 December 28, 1971, 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 November 1, 8, and 15, 1971. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David 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 Applegate River, to-wit:

From a point located 1300 feet South and 1700 feet East from the NW corner of Section 33 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 38 South, Range 3 West, W.M.

To a point to be located 530 feet North and 100 feet East from the W $\frac{1}{2}$ corner of Section 28 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 38 South, Range 3 West, W.M.

for the irrigation of 12.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 10.0 acres in E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, Township 38 South, Range 3 West, W.M., with a date of priority of 1908, 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 point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 0.45 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 the certificate of water right heretofore issued to Bessie Smith and recorded at page 32904, Volume 24, 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 Joy C. Newman confirming the change in point of diversion.

Dated at Salem, Oregon, this 25th day of January, 1973.

CHRIS L. WHEELER
State Engineer

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Joy C. Newman

(Name of applicant)

of Route 1, Box 290, Jacksonville, County of Jackson

(Postoffice)

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 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 Goodwill Ditch.

4. The point of diversion is located 1300 ft. S. and 1700 ft. E. from the NW

(N. or S.)

(E. or W.)

corner of Section 33 being within the NE 1/4 NW 1/4

(Section or subdivision)

of Section 33 Tp. 38 S. R. 3 W. W. M., in the County of Jackson.

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate 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	3 W	29													12.7	E 1/2 10		

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? No, see accompanying letter of consent of Bessie Smith Johnston.

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes.

8. What is the date of priority of your water right? 1902.

9. Was your water right acquired by State Engineer's Permit? No. If so, give number

(Yes or No)

of permit

10. Do you hold a water right certificate? Yes. If so, give number of certificate 32904.
(Yes or No)

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

If so, give title of proceedings Supplemental Findings of Rogue River Decree.
(Yes or No) (Page 281)

12. Is the water right recorded in your name? No. Bessie Smith.
(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 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

(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 530 ft. N. and 100 ft. E. from the W 1/4
(N. or S.) (E. or W.)
corner of Sec. 28 being within the SW 1/4 NW 1/4 of Section 28 Tp. 38 S. R. 3 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 pump.

15. Are you the owner of the land on which the proposed point of diversion is to be located? No.

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.
Harlan P. Bosworth - see attached permission.

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.?
(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 ditch too much to take care of by
one land owner.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

} ss.

I, Joy C. Newman, 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 1st day of June, 1971

Joy C. Newman
(Name of applicant)

Subscribed and sworn to before me this 1st day of June, 1971

[Notarial Seal]

Shyllis 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 Joy C. Newman 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 Bessie Smith for the use of the waters of Applegate River for the irrigation of 12.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 10.0 acres in E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 38 S., R. 3 W., W.M., with a date of priority of 1902. These lands are irrigated by means of the Goodwill Ditch from a point of diversion located 1300 ft. S and 1700 ft. E from the NW corner of Sec. 33 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 33, T. 38 S., R. 3 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 530 ft. N and 100 ft. E from the W $\frac{1}{4}$ corner of Sec. 28 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 28, T. 38 S., R. 3 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on December 28, 1971, 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 Joy C. Newman, Route 1, Box 290, Jacksonville, 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 upon request by the State Engineer.

Dated at Salem, Oregon, this 26th day of October, 1971.

CHRIS L. WHEELER
State Engineer

RECEIVED
NOV 18 1971
STATE ENGINEER
SALEM OREGON

Affidavit of Publication

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Dated at Salem, Oregon, this 26th day of October, 1971.
CHRIS L. WHEELER
State Engineer

State of Oregon, }
County of Jackson } ss.

1. Sarah Hayes, 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 Diversion of Water-(Newman petitioner), 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 Nov 1, 8, 15, 1971
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

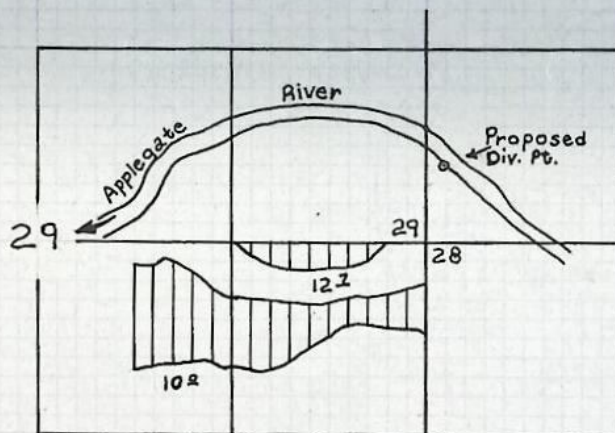
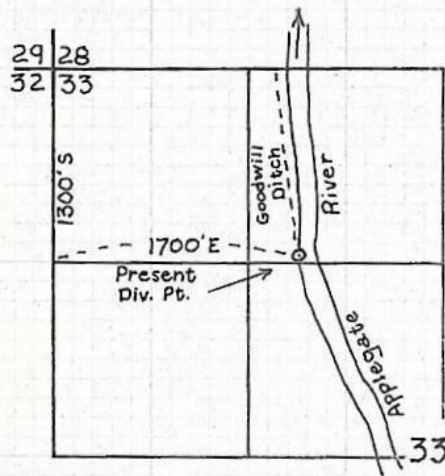
Sarah Hayes

Subscribed and sworn to before me this 15th day of Nov., 19 71

Alta M. Rindley
NOTARY PUBLIC FOR OREGON

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

T.38S. R.3W.W.M.

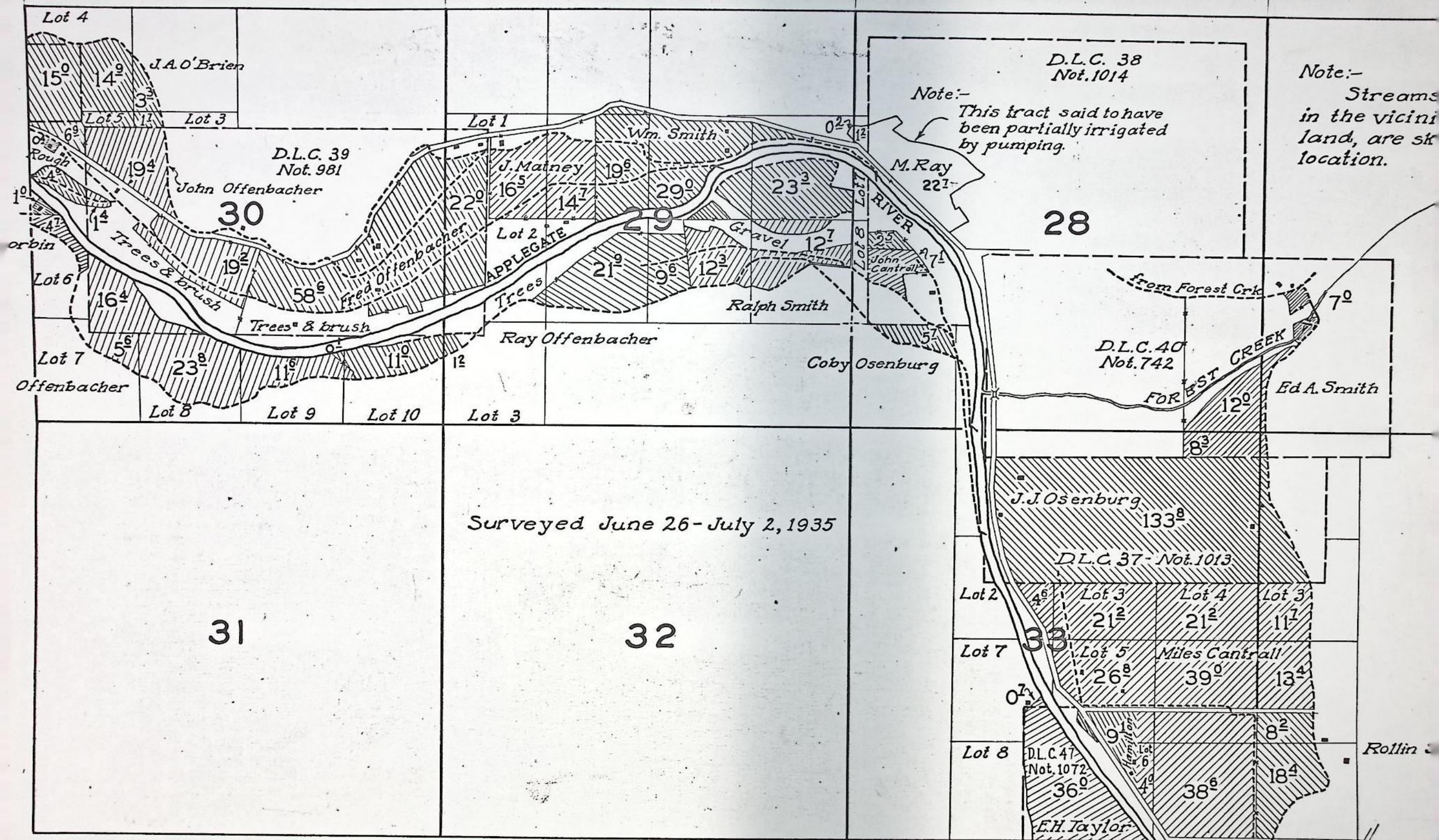


Proposed Div. Pt. is
530'N + 100'E From
The W 1/4 Cor. of
Sec. 28

RECEIVED
JUN 15 1971
STATE ENGINEER
SALEM, OREGON

Map to accompany application in the
name of Joy C. Newman for a change
in point of diversion

Scale 4" = 1 Mile



IRRIGATION PIPELINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS that we, HARLAN P. BOSWORTH, JR. and MARIE M. BOSWORTH, Grantors, hereby grant, bargain, sell and convey to NESSIE JOHNSON, and to B. E. NEWMAN and JOY NEWMAN, Grantees, their heirs, successors and assigns, the right of way and easement to construct, maintain and use an irrigation pipeline from the Applegate River to the Johnson-Newman property in the SE¼ of Section 29, Township 35 South, Range 3 West of the Willamette Meridian over, under and through a ten foot wide strip of land, the east line of which is described as follows:

Beginning at the East quarter corner of Section 29, Township 35 South, Range 3 West of the Willamette Meridian, running thence North along the section line a distance of 392 feet; thence North 32° East, through Government Lot 7, parallel with and northwest of the Bosworth pipeline and a roadway, a distance of 185 feet, more or less, to the south bank of the Applegate River.

Grantors also grant, bargain, sell and convey to Grantees the right to construct and maintain a pump site along the south bank of the Applegate River in a location ten feet square at the terminus of the irrigation pipeline and situated 19 feet downstream from the existing concrete pumpsite now used by Grantors. Grantors shall have a right of access to the pumpsite from their present road easement along the road to the swinging bridge and from the bridge along the road paralleling the river to the pumpsite.

TO HAVE AND TO HOLD unto the Grantees, their successors and assigns forever with ingress to and egress from the premises for the purpose of constructing, inspecting, repairing, maintaining and replacing the pipeline or the pump, and the removal of the same at will, in whole or in part; subject, however, to the gravel removal rights in Government Lot 7 heretofore granted to the State of Oregon.

The Grantors reserve the right to fully use and enjoy the premises, except for the purposes heretofore granted to the Grantees.

Grantees hereby agree to bury all pipes to a sufficient depth so as not to interfere with cultivation of the soil, to replace the road material where the pipeline is constructed across the same and restore it to its present condition. Grantees may elect whether to go over or under the Bosworth irrigation pipeline at the point where the two pipelines cross, provided that no damage shall be done to the Bosworth pipeline unless the same is promptly repaired at Grantees' expense.

IN WITNESS WHEREOF, Grantors have subscribed their names as of the 25th day of May, 1971.

RECEIVED
JUN 15 1971

STATE ENGINEER
SALEM, OREGON

Harlan P. Bosworth, Jr.
Marie M. Bosworth

STATE OF OREGON)

) ss

County of Jackson)

May 25, 1971

Personally appeared the above named HARLAN P. BOSWORTH, JR. and MARIE M. BOSWORTH and acknowledged the foregoing instrument to be their voluntary act and deed.

515563

Vol. 331 Page 12

KNOW ALL MEN BY THESE PRESENTS, That HAROLD J. VENABLE, widow,
aka Marie J. Blair,

in consideration of Ten and no/100----- Dollars,
and other good and valuable considerations,
to her paid by Bessie I. Johnston, as her separate property with a life
estate in her husband, Marion R. Johnston,
do hereby grant, bargain, sell and convey unto the said grantee and their heirs and assigns, all
the following real property, with the tenements, hereditaments and appurtenances, situated in the County
of Jackson and State of Oregon, bounded and described as follows, to-wit:

1/2 of SE 1/4 of Section 29, Township 36 South, Range 3 West of Willamette Meridian
and recorded in Volume 247, page 485-6, Deed Records of Jackson County, Oregon,

RESERVE a life estate in said Marie J. Venable, aka Marie J. Blair

549-16

29-38-3W-9

963-5186

To Have and to Hold the above described and granted premises unto the said grantee and their
heirs and assigns forever.

And I, the grantor do covenant that I do lawfully release in fee simple of the above
granted premises free from all encumbrances,

and that I will and my heirs, executors and administrators, shall warrant and forever
defend the above granted premises, and every part and parcel thereof, against the lawful claims and
demands of all persons whomsoever.

Witness my hand and seal this 29th day of February, 1962.

Harold J. Venable (Grantor)

(State)

(State)

(State)

STATE OF OREGON,

County of Jackson

On this 29th day of February, 1962,
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the
within named Marie J. Venable, aka Marie J. Blair

who
known to me to be the identical individual, documented in and who executed the within
instrument, and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year last above written.

Marie J. Venable
Notary Public for Oregon
My commission expires April 2, 1966

WARRANTY DEED

TO

DO NOT USE THIS
SPACE, PREPARED
FOR RECORDING
LABEL IN COPIES
THIS WARE
DEED

AFTER RECORDING RETURN TO

Bessie I. Johnston
 Rt 1 Box 64
Grainville, OR

8/3/62

STATE OF OREGON,

County of Jackson
I certify that the within instrument was recorded for record on this 29th day of February, 1962, at 10:00 o'clock AM, and recorded in Book 331 on page 12.
Record of Deeds of said County.

Witness my hand and seal
County Clerk.

Marie J. Venable
County Clerk-Recorder
By Marie J. Venable
Deputy

RECEIVED

JUN 15 1971

STATE ENGINEER
SALEM, OREGON

515563

DOCKET No.

SECTION <u>29</u>		TOWNSHIP <u>38</u> S	RANGE <u>3</u> W.M.	MAP NO. <u>383W29</u>	AERIAL PHOTO
LOT		BLOCK	ADDITION		CITY
NO.		NO.			

1701
TAX LOT NUMBER

LEGAL DESCRIPTION	DEED RECORD			ACRES REMAINING
	YEAR	VOLUME	PAGE	
<div> <div>INDENT EACH NEW COURSE TO THIS LINE</div> <div> <p>Smith, Bessie % Gerald F & Lily Anne Wolters and Fred S Wolters (C)</p> <p>The East Half of the Northwest Quarter of the Southeast Quarter; SAVE AND EXCEPT approximately two (2) acres in the Northwest corner thereof, described as follows: Beginning at a point on the East-West centerline of said section, said point being the Northwest corner of the above described property; thence East along said centerline of said section a distance of Five Hundred Seventy five (575.0) feet; thence South parallel to the North-South centerline of said section a distance of One Hundred Fifty (150.0) feet; thence West parallel to the East-West centerline of said section, a distance of Five Hundred Seventy-five (575.0) feet to the West line of the premises hereinabove described; thence North along the said West line a distance of One Hundred Fifty (150.0) feet, more or less, to the point of beginning.</p> <p>Smith, Bessie % Benjamin E & Joy C Newman (C)</p> </div> </div>	1937	213	342	
	1964	C#- 4146	JV 67-4728	
	1937	213	342	
	1968	C#-4640	JV 68-7458	