

3423 Mr. Kaus, Philip H. Hugart
304 Portland Ave.
Medford, O 45501

3423

STATUS OF APPLICATION

Change in point of diversion
Date filed 6-11-76
Date of hearing 8-31-76
Place of hearing Medford
extended 10-26-79
Date of order 9-15-76 Vol. 27, page 429
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued NOV 23 1976 Vol. 36, page 43990

APR 14 1989

to survey 10/77

✓ 60833

DESCRIPTION OF WATER RIGHT

Name of stream Rogue River
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 1.0
Name of ditch _____
Date of priority November 18, 1922
In name of Chas. E. Lillian L. Shelton
_____ Adjudication, Vol. _____, page _____
App. No. 8726 Per. No. 5695 Cert. No. 10523
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-11-76</u>	<u>35.00</u>	<u>53362</u>
TOTAL . . .		
<u>8-24-76</u>	<u>\$4.00</u> Cert. Fee	<u>53540</u>

FEES REFUNDED

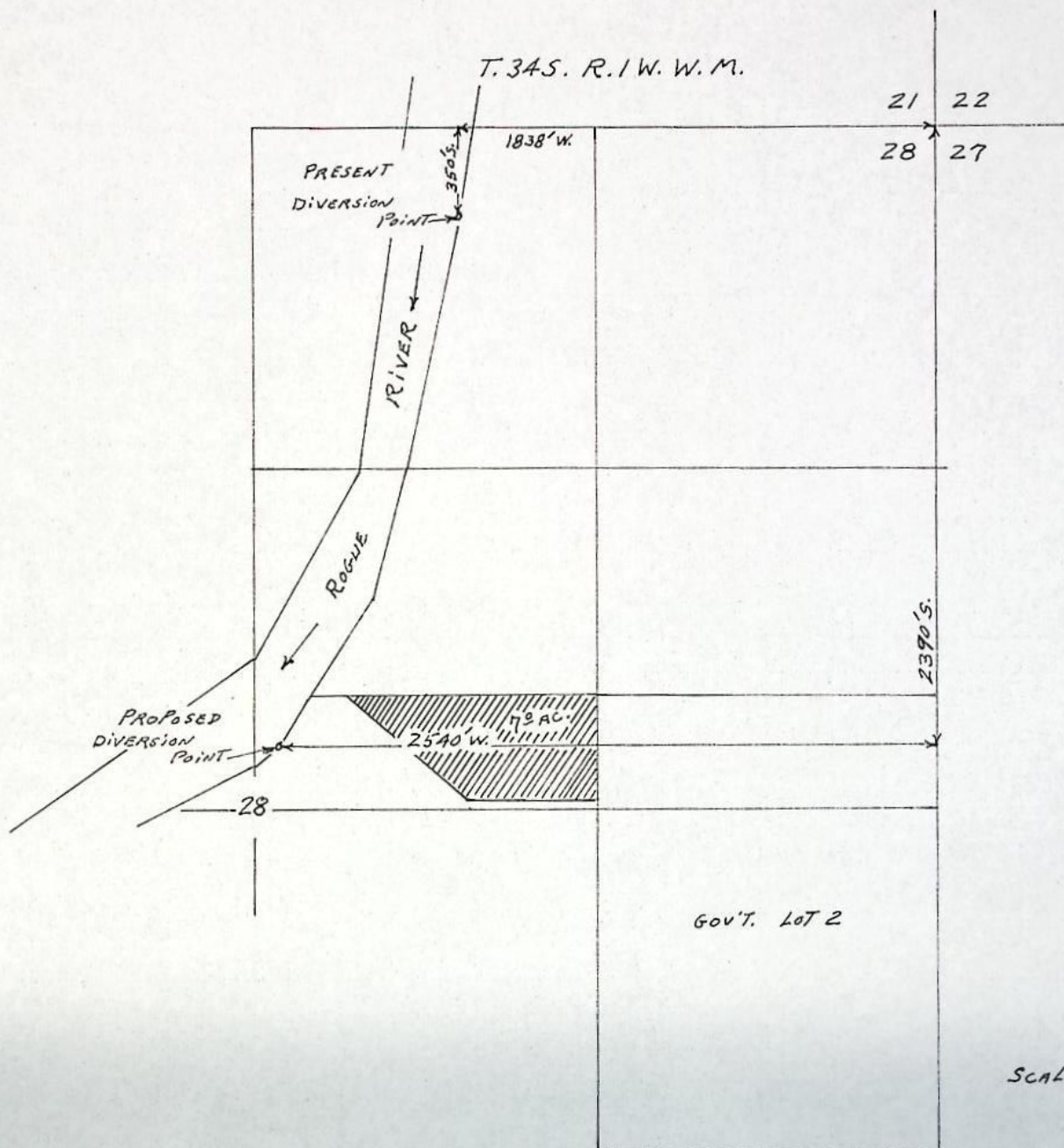
Date	Amount	Check No.
<u>8-24-76</u>	<u>\$25.91</u>	<u>741</u>

REMARKS

Deposit for P.O.M. on Tr. 3422
Also see Transfer 3426 - part of same right
See App # 8726 and 12171

— finish —

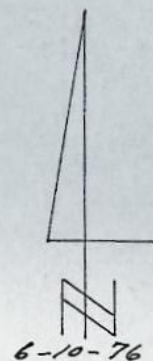
INDEX CARDS:		Entered	Checked
<u>WA</u>	Name	✓	
<u>WA</u>	Stream	✓	
<u>WA</u>	Pt. of Div.	✓	
	Calendar	✓	
✓	CHECKED TO RECORDS:		
	Twp. & Rge.	<u>NO</u>	
	Decree-vault		
	Decree-safe		
✓	Cert. of W/R	<u>WA</u>	
✓	Per. Folder	<u>WA</u>	
	Chaindex		
	Cross Ref.		
	Power Claim		
	Abstracts		



MAP TO ACCOMPANY APPLICATION OF
 KAY PHILLIP SHUGART FOR CHANGE
 IN POINT OF DIVERSION ON CERT. #10523
 PRIORITY NOV. 18 1922

RECEIVED
 JUN 11 1976
 WATER RESOURCES DEPT
 SALEM, OREGON

SCALE 8" = 1 MILE



T-3423

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF MR. KAY PHILLIP SHUGART FOR
THE APPROVAL OF A CHANGE IN POINT
OF DIVERSION OF WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 3423

On June 11, 1976, Mr. Kay Phillip Shugart filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion under an existing right of record from the Rogue River.

Certificate of water right issued to Chas. and Lillian L. Shelton and recorded at Page 10523, Volume 10, State Record of Water Right Certificates, confirms a right which includes the use of not to exceed 0.09 cubic foot per second from Rogue River for the irrigation of 7.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 34 South, Range 1 West, W.M., with a date of priority of November 18, 1922.

These lands are irrigated from a point of diversion located 350 feet South and 1838 feet West from the Northeast corner of Section 28, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 34 South, Range 1 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 2390 feet South and 2540 feet West from the Northeast corner of Section 28, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 34 South, Range 1 West, W.M.

Notice of the application, pursuant to ORS 540.510 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 July 6, 13 and 20, 1976.

Mr. David C. Hendrix, Watermaster of District No, 13, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 requested change in point of diversion described herein, without loss of priority, is approved.

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 0.09 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 construction work shall be completed and the change in point of diversion of water made on or before October 1, 1977.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Chas. and Lillian L. Shelton and recorded at Page 10523, Volume 10, 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 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 Mr. Kay Phillip Shugart confirming the right.

Dated at Salem, Oregon, this 15th day of September, 1976.

/s/ JAMES E. SEXSON
Director

CT. NO.
10523

826-2181

County JACKSON

~~772-9265~~

19545 HWY 62 EAGLE POINT, OR 97524

Rogue River ✓
0.09 cfs

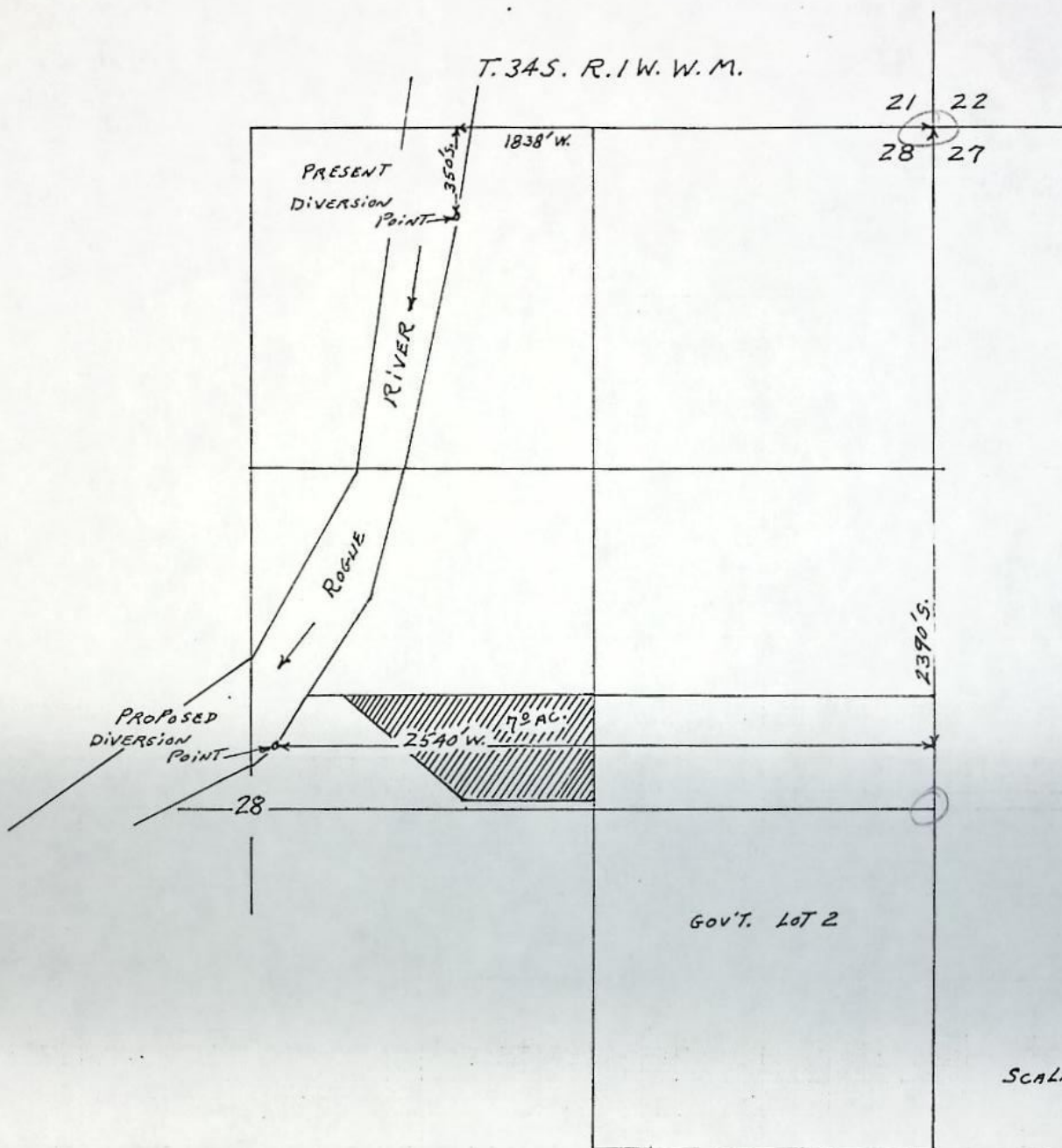
0.084

250' N 180' E CENTER 1/4

Lot 1 SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 28, T 34 S, R 1 W, WM.

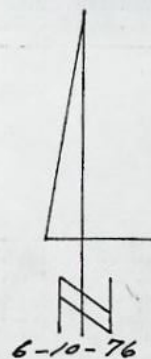
EPID PHOTO 61
7-12-83 BJS

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MAP TO ACCOMPANY APPLICATION OF
 KAY PHILLIP SHUGART FOR CHANGE
 IN POINT OF DIVERSION ON CERT. #10523
 PRIORITY NOV. 18 1922

RECEIVED
 JUN 11 1976
 WATER RESOURCES DEPT
 SALEM, OREGON



T-3423

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
MR. KAY PHILLIP SHUGART FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM ROGUE RIVER)

ORDER AMENDING
ORDER APPROVING
TRANSFER NO. 3423

The Administrative Order of the Water Resources Director dated September 15, 1976, and recorded at pages 429, 430 and 431, Volume 27, Special Order Record, approving water right transfer application No. 3423, in the name of Mr. Kay Phillip Shugart, was in error in paragraph 2 on page 429 in stating the amount of water appurtenant to a certain 7.0 acres described by the certificate recorded at page 10523, Volume 10, State Record of Water Right Certificates. The Order listed an amount of water of not to exceed 0.09 cubic foot per second from Rogue River for irrigation of 7.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 34 South, Range 1 West, W.M., when it should have stated: " ... the use of not to exceed 0.084 cubic foot per second from Rogue River for irrigation of 7.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 34 South, Range 1 West, W.M."

Also, the Order was in error in describing in paragraph 4 on page 430 the amount of water to be allowed by said Order. The Order listed an amount of water not to exceed 0.09 cubic foot per second when it should have listed: " ... 0.084 cubic foot per second."

NOW, THEREFORE, it is ORDERED that paragraph 2 on page 429 of the Administrative Order of the Water Resources Director entered September 15, 1976, approving water right transfer application No. 3423, in the name of Mr. Kay Phillip Shugart, be and the same hereby is amended to read:

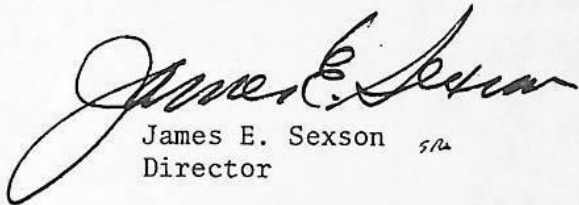
"The certificate recorded at page 10523, Volume 10, State Record of Water Right Certificates, in the name of Chas. and Lillian L. Shelton, describes a right which includes the use of not to exceed 0.084 cubic foot per second from Rogue River for irrigation of 7.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 34 South, Range 1 West, W.M., with a date of priority of November 18, 1922.

It is FURTHER ORDERED that paragraph 4 on said page 430 of said Order be and the same hereby is amended to read:

"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 0.084 cubic foot per second. "

Dated at Salem, Oregon this 26th day of October, 1979.



James E. Sexson
Director

RECEIVED

JUN 11 1976

WATER RESOURCES DEPT
SALEM, OREGON

ADV. T-3423
DIA. TRIBUNE

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, (Mr.) Kay Phillip Shugart

(Name of applicant)

of 304 Portland Avenue, Medford, County of Jackson

(Postoffice)

State of Oregon 97501, do hereby make application for change I. P. O. D.

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

1. The source of present water right is Rogue 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 350 ft. S. and 1838 ft. W. from the N.E.

(N. or S.)

(E. or W.)

corner of Sec. 28 being within the NW 1/4 NE 1/4

(Section or subdivision)

of Section 28 Tp. 34S R. 1W 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
34S	1W	28			7													

part
0.09 cfs

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

0.09 cfs

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes

(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? Nov. 18, 1922

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number

(Yes or No)

of permit 5695

10. Do you hold a water right certificate? Yes..... If so, give number of certificate 10523.....
(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 None.....
(Yes or No)

12. Is the water right recorded in your name? No-Chas. & Lillian I. Shelton.....
(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 2390 ft. S. and 2540 ft. W. from the NE corner of Sec. 28 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28 Tp. 34 S. R. 1 W. W. M., in the county of Jackson. The name of the ditch to be used is pump.
(N. or S.) (E. or W.)
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)

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? No.....

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 to place diversion on property owner's land.....

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

ss.

I, (Mr.) Kay Phillip Shugart, 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 9 day of JUNE, 1976.

x Kay Phillip Shugart
(Name of applicant)

Subscribed and sworn to before me this 9 day of JUNE, 1976.

[Notarial Seal]

John F. Cummings
NOTARY PUBLIC FOR OREGON
My commission expires January 21, 1980

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.