

See Davidson Creek
Williams, Or 97544

3417

STATUS OF APPLICATION

Change in point of diversion
Date filed 5-26-76
Date of hearing _____
Place of hearing _____
Date of order 9-15-77 Vol. 29, page 320
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued **APR 25 1985** Vol. 48, page 52990

DESCRIPTION OF WATER RIGHT

Name of stream Davidson Creek
Trib. of _____ County of Josephine
Use irrigation
Quantity of water _____ No. of acres 3.87
Name of ditch _____
Date of priority January 10, 1916
A.T. & K. Ethel Lathrop
In name of James L. & Naomi Lathrop
_____ Adjudication, Vol. _____, page _____
App. No. 4720 Per. No. 2783 Cert. No. 31683
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-26-76</u>	<u>35.00</u>	<u>52785</u> <small>OK</small>
TOTAL . . .		
	No Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See T-3359 - same right involved
CARD FOR C DEC 26 1979

W.R. I. S.	
Assembled <u>11/6/84</u> by <u>LLH</u>	
Entered _____ by _____	
Verified _____ by _____	

	INDEX CARDS:	
	Entered	Checked
✓ Name	<u>lg</u>	_____
✓ Stream	<u>lg</u>	_____
✓ Pt. of Div.	_____	_____
✓ Calendar	<u>lg</u>	_____
CHECKED TO RECORDS:		
0 Twp. & Rgs.	_____	_____
_____ Deed-vault	_____	_____
_____ Deed-safe	_____	_____
✓ Cert. of W/R	_____	_____
✓ Per. Folder	_____	_____
_____ Chaindex	_____	_____
_____ Cross Ref.	_____	_____
✓ Power Claim	_____	_____
✓ Abstracts	<u>lg</u>	_____

Long has
Narison

FINAL PROOF SURVEY

UNDER

Application No. Permit No.
IN NAME OF

Surveyed AUG. 15 1984, by B.S.JAMES

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF)
LARRY LEE HARRISON FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
WATER FROM DAVIDSON GULCH)

ORDER APPROVING
TRANSFER NO. 3417

On May 26, 1976 an application was filed in the office of the Water Resources Director by Larry Lee Harrison for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

A water right was established by performance under the terms of permit No. 2783, in the name of Henry Boat for appropriation of not to exceed 0.17 cubic foot per second from Davidson Gulch at a point of diversion located 275 feet South and 1800 feet East from the Northwest corner of Section 9, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 39 South, Range 5 West, W.M., with a date of priority of January 10, 1916, for irrigation of 13.0 acres within SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 39 South, Range 5 West, W.M.

The certificate issued in evidence of the right and recorded at page 1225, Volume 2, and a subsequent certificate recorded at page 31683, Volume 23, State Record of Water Right Certificates, both incorrectly described the right in listing the point of diversion as being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 5 and the place of use as being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 4.

The applicant herein, owner of a certain 3.87 acres of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 50.0 feet North and 1860 feet East from the Southwest corner of Section 4, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 39 South, Range 5 West, W.M.

Mr. Robert B. Steimer, Watermaster, has filed a statement to the

027
P322-321

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 requested change in point of diversion as 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 0.05 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 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 construction work shall be completed and the change in point of diversion of water made on October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore recorded at page 31683, Volume 23, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, on this 15th day of September, 1977.

/s/ James E. Sexson
Director

JAN 14 1985

POD
POU
USE

WATER RESOURCES DEPT
SALEM, OREGON

County Josephine

1. Name Larry Lee Harrison

2. Source of Supply Davidson P. Golch, Trib of

4. Amount of Water 0.17 cfs Priority Date Jan 10, 1916

w/in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 4 T 39S R 5W, Wm

7. Place of Use:

[illegible]

~~91.17159~~
~~30709~~
2183

41033-174-106c
8-15-84 B5J.

SURFACE WATER IRRIGATION

TRANSFER NO.

3417

RECEIVED

JAN 14 1985

INFO: NAMES: LARRY LEE HARRISON

ADDRESS: 500 DAVIDSON RD., WILLIAMSBURG

WATER RESOURCES DEPT
SALEM, OREGON

TALKED TO: INSTRUCTION.

SOURCES : DAVIDSON GULCH

SYSTEM DETAIL: PUMPS DIRECT FROM CULCH, THRU MAIN LINE CATERALS
TO SPRINKLERS.

DIVERSION: DIRECT LAYS IN GULCH.

STRUCTURE:

PUMP : MAKE :

TYPE: CENT

INTAKE SIZE: 3"

DISCHARGE SIZE: 2"

MODEL NO :

RATING :

MOTOR: MAKE: G.E.

TYPE : ELECT

H.P. : 3

RPM: 3950

POWER CONNECTION : DIRECT : PULLEYS : (DRIVE PULLEY) , (DRIVEN PULLEY)

DISTRIBUTION SYSTEM : ALL PORTABLE.

MAIN LINE: SIZE: 3" LENGTH: 300' TYPE: ALUM

LATERALS: SIZE: 2" LENGTH: 800' TYPE: ALUM.

SIZE: _____ LENGTH: _____ TYPE: _____

SPRINKLERS: NO. OF HEADS: 20

MAKE : 28'S

MODEL NO.: 20'S & 30'S.

NOZZLE SIZE: $\frac{3}{32} \times \frac{5}{32}$

MAXIMUM USED: ALL

IN OPERATION: MEAN PRESSURE:

NO. OF HEADS:

LIFT : SUCTION : 6'

DISCHARGE: 0

USE: PASTURE & HAY

TIE: MONUMENTS:

SURVEYED ON: 41033-179-106L

B. Lutz

DATE: 8-15-89

WATER RIGHTS EXAMINER

$$1'' = 400'$$

sec. cor. 15' S. of
& Sta. 2+00
Fd. I. P. By Co. Rd.
Survey

390
790
314
306

See C.S. 142-62

E.R.W. HWE
1703 SO. OF NE COR.
500.4

SEE MAP 39 5 3

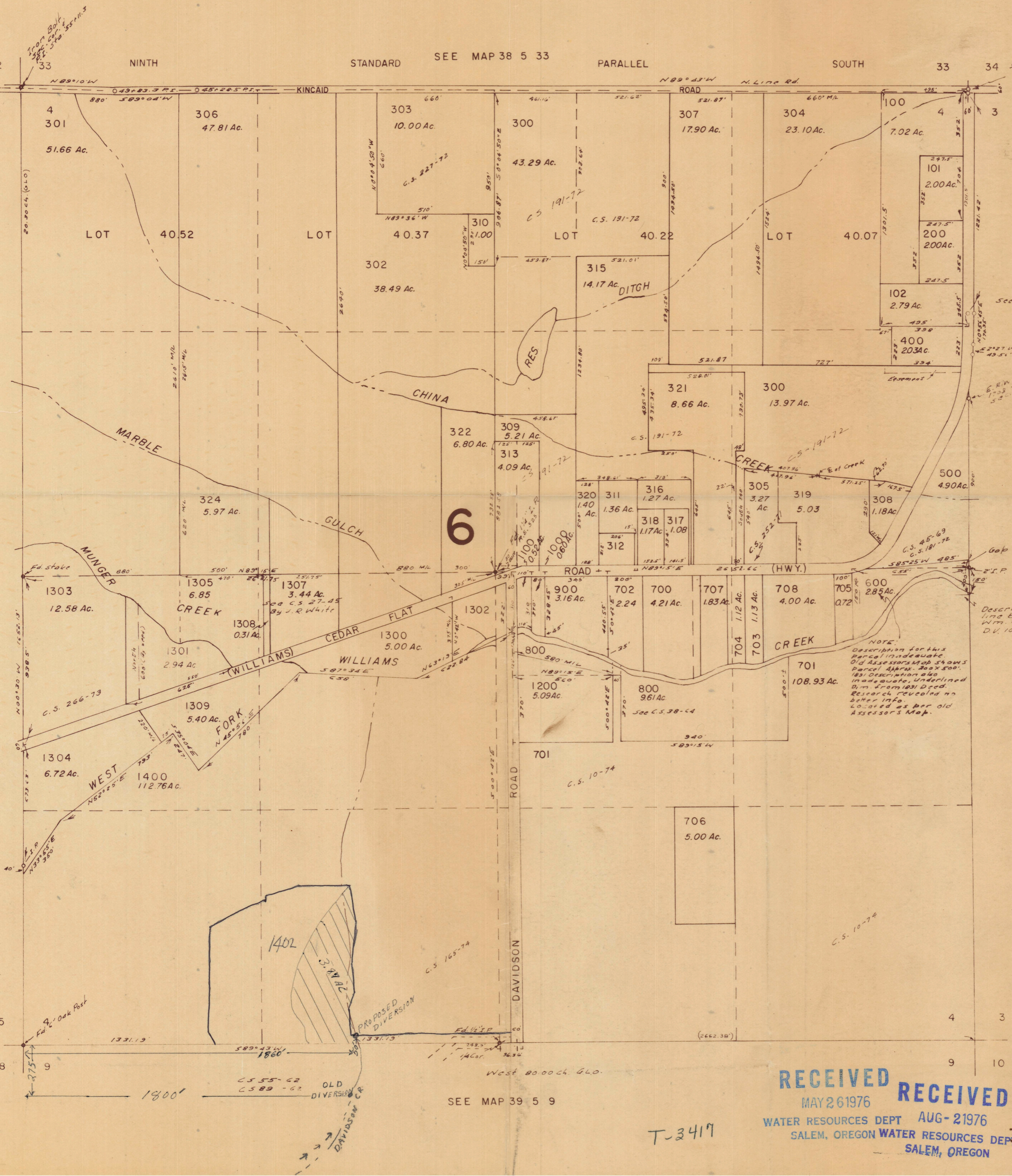
Described as "Last
line bet. Boat &
Wm. Metzky" in
D.V. 10-631

NOTE:
Description for this
parcel inadequate.
Old Assessor's Map shows
parcel approx. 200 x 500'.
1891 Description also
inadequate. Underlined
Dim. from 1891 Deed.
Research revealed no
better info.
Located as per old
Assessor's Map.

RECEIVED
MAY 26 1976
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
AUG - 21 1976
WATER RESOURCES DEPT
SALEM, OREGON

39 5 4



RECEIVED

MAY 26 1976

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

AUG - 21 1976

WATER RESOURCES DEPT
SALEM, OREGON

73417

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, LARRY LEE HARRISON

(Name of applicant)

of 500 DAVIDSON Rd., Williams, County of Josephine

(Postoffice)

State of OREGON 97544

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 DAVIDSON CREEK

(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 DAVIDSON Creek

4. The point of diversion is located 275 ft. S and 1800 ft. E from the NW

(N. or S.)

(E. or W.)

corner of SECTION 9

(Section or subdivision)

being within the NW 1/4 of NW 1/4

of Section 9 Tp. 39S R. 5W W. M., in the County of Josephine

(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
39S	SW	4																

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? Legal Owner

(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? JANUARY 10, 1916

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

(Yes or No)

of permit 2783

Appl. 4720

10. Do you hold a water right certificate? Yes If so, give number of certificate 31683
(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 - A.T. & K. Ethel Lathrop & James & Naomi
(If not, give name) LATHROP

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 50 ft. N and 1860 ft. E from the SW
(N. or S.) (E. or W.)
corner of SEC. 4 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4 Tp. 39S R. 5W W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Josephine The name of the ditch to be used is —

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 DIVERSION ON OWN property

RECEIVED
WATER RESOURCES DEPT
JUN 21 1939
700-51818
RECEIVED

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Josephine } ss.

I, Larry LEE HARRISON, 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 24 day of MAY, 1976

Larry Lee Harrison
(Name of applicant)

Subscribed and sworn to before me this 24th day of May, 1976

[Notarial Seal]

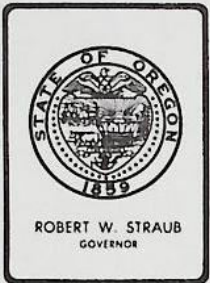
Mary S. Raubenspeck
NOTARY PUBLIC FOR OREGON
My commission expires Dec 22, 1978

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.

TOWNSHIP 39 S., RANGE 5 W.





Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

July 6, 1977

PHONE 378-3066

Mr. Robert B. Steimer
Maternmaster, District No. 14
714 N. W. "A" Street
Grants Pass, OR 97526

Dear Bob,

It appears that Wayne's letter of August 10, 1976, (Copy enclosed) was the last action by anyone in the matter of pending transfer applications Nos. 3359 and 3417. Copies of the applications and associated data are enclosed.

In earlier correspondence you offered your help toward clearing up the question of who's land the right is on. I realize that the question may have to be settled between the parties in court. However, any help you can give will be appreciated.

There have been no recent inquiries, so do this at your convenience.

Sincerely,

James W. Carver, Jr.

DESCRIPTION SHEET

See page 1 for vesting and encumbrances, if any.

Description of the tract of land which is the subject of this report:

A parcel of land in the South Half of Section 4, Township 39 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon, being more particularly described as follows: Beginning at the Southeast corner of the Southwest Quarter of said Section 4; thence along the South line of said Southwest Quarter, South $89^{\circ} 36' 30''$ West 1594.65 feet to an iron rod; thence North $23^{\circ} 57' 27''$ West 44.13 feet to an iron rod; thence North $0^{\circ} 01' 23''$ East 605.21 feet to an iron rod; thence North $60^{\circ} 33' 02''$ East 210.93 feet to an iron rod; thence North $70^{\circ} 28' 52''$ East 130.48 feet to an iron rod; thence North $17^{\circ} 44' 20''$ East 53.56 feet to an iron rod; thence North $73^{\circ} 42' 46''$ East 188.39 feet to an iron rod; thence North $89^{\circ} 55' 45''$ East 280.75 feet; thence South $11^{\circ} 49' 16''$ East 213.81 feet; thence South $7^{\circ} 15' 07''$ West 217.01 feet; thence South $5^{\circ} 19' 02''$ East 151.60 feet; thence South $19^{\circ} 46' 46''$ West 92.42 feet; thence South $6^{\circ} 06' 27''$ East 151.09 feet; thence North $89^{\circ} 36' 30''$ East 887.72 feet to a point on the Westerly right of way line of Davidson Road; thence along said right of way line, South $0^{\circ} 03'$ West 60.57 feet to an iron rod on the South line of the Southeast Quarter of said Section 4; thence along said South line, South $89^{\circ} 57' 42''$ West 69.00 feet to the point of beginning.

39-5-4 Pt TL 1400 Code Nos. 5 & 6

35098

Order No.

RECEIVED

MAY 26 1976

WATER RESOURCES DEPT
SALEM, OREGON

T-3417

STATE OF OREGON
WATER RESOURCES DEPT
TAMM 1012
RECEIVED

LEGAL Description



WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3066

ROBERT W. STRAUB
GOVERNOR

August 10, 1976

T-3417
T-3359
4720
39868

Larry Lee Harrison
500 Davidson Road
Williams, OR 97544

Dear Mr. Harrison:

This will acknowledge return of your transfer application No. T-3417 and map. To date, the transfer application No. T-3359 filed by John R. Palmer has not been returned to this office.

As mentioned in my letter of June 17, 1976, addressed to Mr. Palmer, a copy of which was mailed to you, the certificate No. 31683 evidences the right to the use of 0.17 cubic foot of water per second from Davidson Gulch for the irrigation of 13.0 acres. Our records presently locate this 13.0 acres under the right in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 39 South, Range 5 West, W. M., which according to information recently submitted, is erroneous.

Before we can consider approval of transfers involving the aforementioned right, the total acreage claimed by interested parties can not exceed the 13.0 acres allowed. Since our records do not define ownership of the right, it will be necessary for the parties claiming this right to be in agreement as to its location.

Therefore, we will hold action on your proposed transfer No. T-3417 and the transfer No. T-3359 proposed by Mr. Palmer until we have received an agreement or other legal article advising us of the interest each party has in the water right evidenced by the certificate No. 31683.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WO:db

cc: John R. Palmer

cc: Robert Steimer, Watermaster, District 14