

3414

STATUS OF APPLICATION

Change in place of use and point of diversion
 Date filed 8-12-76
 Date of hearing _____
 Place of hearing _____
 ✓ Date of order 4-11-77 Vol. 28, page 433
 Date for application of water 10-1-78
 Proof mailed _____
 Proof received _____
 Certificate issued OCT 26 1979 Vol. 42, page 43648

Survey 8/77

DESCRIPTION OF WATER RIGHT

Name of stream Jennmile Creek
 Trib. of _____ County of Douglas
 Use irrigation
 Quantity of water _____ No. of acres 28⁹
 Name of ditch _____
 Date of priority September 25, 1944
 In name of James R. Stackhouse
 _____ Adjudication, Vol. _____, page _____
 App. No. 20495 Per. No. 15999 Cert. No. 21152
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-12-76</u>	<u>45.00</u>	<u>55495</u>
TOTAL . . .		
	No Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Fee Ex 20
 POD 15
 POD 10
\$45-

REMARKS

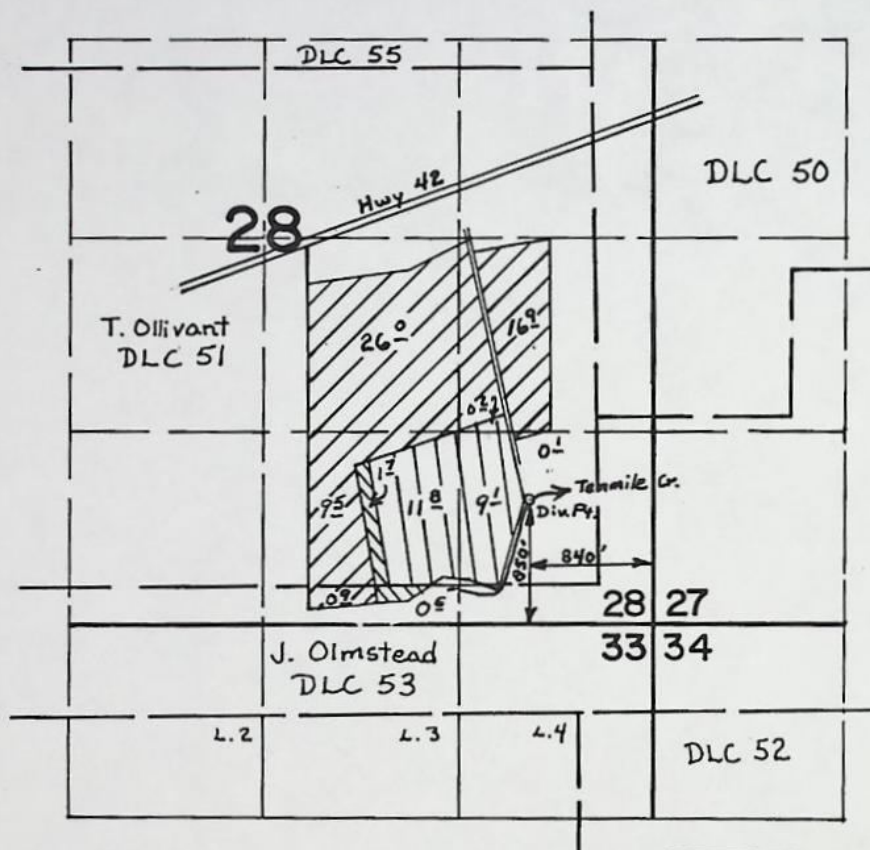
TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	WH	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	WH	Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	WH	Pt. of Div.	<input type="checkbox"/>	<input type="checkbox"/>
	WH	Calendar	<input checked="" type="checkbox"/>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

pursuant to ph call 10/28/76

copies of Letter of 8/19/76 and all referenced items
mailed to John Youngquist, WM

Applt Lost all originals

T. 28 S. R. 7 W. W.M.



Permit No. 37540



Transfer No. 3444 Transferred To



Transfer No. 3444 Change in P.O.D. only

FINAL PROOF SURVEY UNDER

Transfer No. 3444 and
Application No. 50358 Permit No. 37540
IN NAME OF

JOHN & BETTY ESPINOLA

Nov. 9 1977 D. Sparks
Surveyed Nov. 3 1978, by S. Donaldson

August 19, 1976

File Tr-3444

John Espinola
Star Route, Box 88
Tenmile, OR 97481

Dear Mr. Espinola:

We have your application for changes in place of use and point of diversion under your water right from Tenmile Creek evidenced by the certificate recorded at page 21152, Volume 15, State Record of Water Right Certificates, your map and check in the amount of \$45.00 for which our receipt numbered 55495 is enclosed. The application has been filed as transfer No. 3444.

With reference to the enclosed map "A" the water right as described by the certificate 21152 is confined to the area shaded in yellow, being the south one-quarter of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, the east half of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the west half of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28 within the Ollivant D.L.C. 51.

The deed used as the basis for assigning water right permit No. 37540 from C. and M. Phillips to you in November of 1975 has an easterly boundary as marked by the blue line on the said map. Unless your ownership extends east of the line marked with blue, it does not appear that you own 4 acres of water right in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28.

With reference to enclosed map "B" which is a copy of the application map supporting water right permit 37540 for use of water from Tenmile Creek with a date of priority of April 26, 1973, it is noted that your enclosed transfer would transfer a portion of the 1944 right onto lands also covered under the permit. Therefore, it will be necessary for us to have a statement from you that the lands to be covered by transfer of water right will not be claimed under the permit.

August 19, 1976

-2-

File Tr-3444

Along with the mentioned maps "A" and "B", I am enclosing your transfer application and the supporting map so that you can make the necessary changes with regard to the NE½ SE½ of Section 28.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:cc
Encl. Receipt No. 55495

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 3444

I, John Espinoza hereby certify that
on June 15, 1977, the water has been applied to
the lands to which the water right was transferred by an order of the
Water Resources Director dated April 25 1977, approving an appli-
cation for a change in place of use of water from _____
_____.

Aug. 9 1977
Date

John Espinoza
Signature

RECEIVED

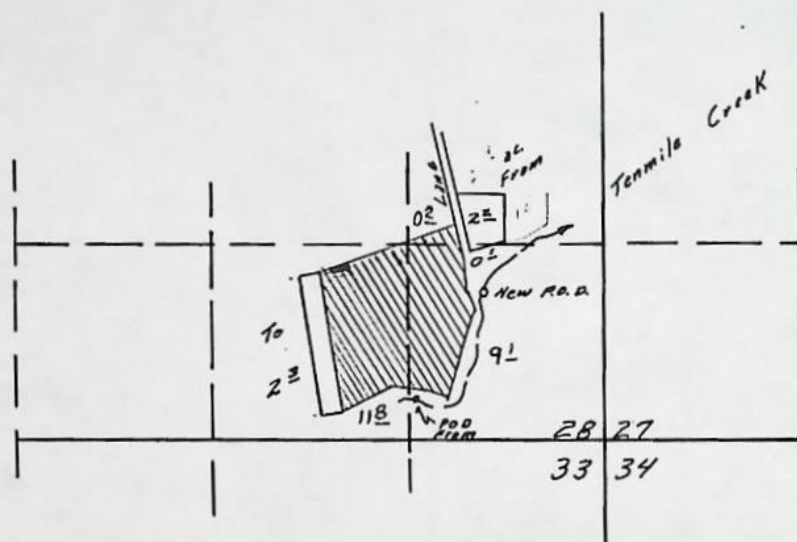
AUG 11 1977

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JAN - 6 1977

WATER RESOURCES DEPT
SALEM, OREGON



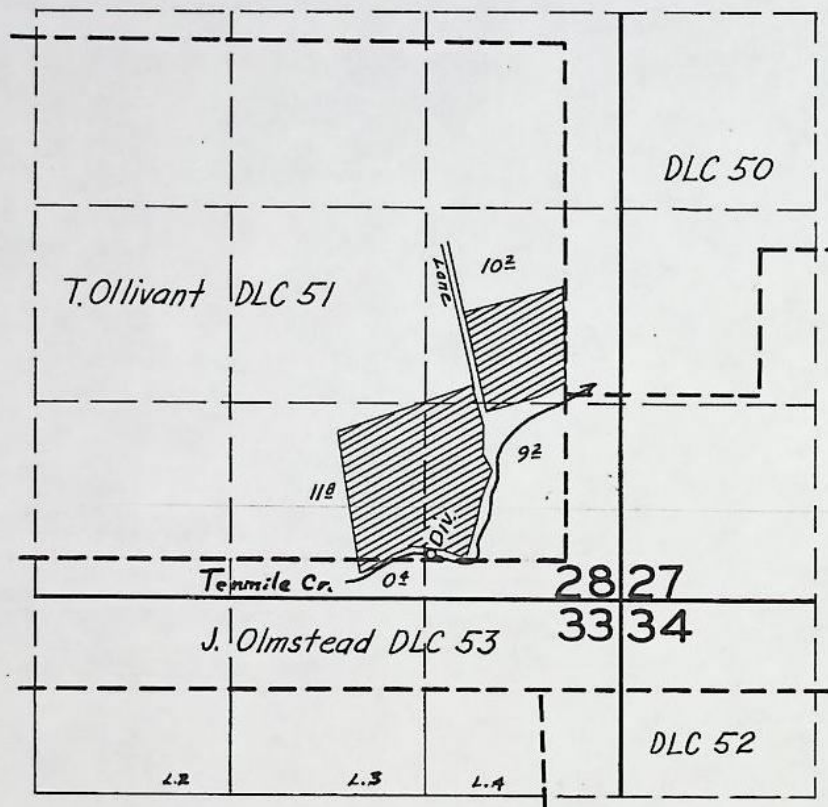
New P.O.D.:
1000' N, 820 W
from Cha SE
Cor. Sec. 28

Tp. 28 So. R. 7 W. W.M.
4" = 1 mile

T # 3444

m.f.x.

T. 28 S. R. 7 W. WM



FINAL PROOF SURVEY UNDER

Application No. 20195 Permit No. 15222
IN NAME OF

James E. Stockhouse

Surveyed July 23, 1951, by T. Jones

1951-Z

T-3444

RECEIVED

JAN-6 1977

WATER RESOURCES DEPT
SALEM, OREGON

T# 3444

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, John Espinola and/or Betty Espinola
(Name of applicant)

of Star Route Box 88, Tenmile, County of Douglas
(Postoffice)

State of Oregon, do hereby make application for change place of use

and point of diversion

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

1. The source of present water right is Tenmile 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 _____

4. The point of diversion is located 300 ft. N. and 1275 ft. W. from the section
(N. or S.) (E. or W.)

corner ~~of~~ common to Sec. 28, 27, 33, & 34 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$
(Section or subdivision)

of Section 28 Tp. 28S. R. 7W. W. M., in the County of Douglas
(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.

0.293

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 $\frac{1}{4}$
28S.	7W	28													S $\frac{1}{4}$	E $\frac{1}{2}$	W $\frac{1}{2}$	9.2
															11.8			POH only
			AS PROJECTED IN T. OLLIVANT DLC NO. 51															
															2.9			0.1
															Transfer			POH

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

23.4 of 25.0 ac.

(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? September 25, 1944

9. Was your water right acquired by State Engineer's Permit? yes If so, give number
(Yes or No)
of permit 15999

10. Do you hold a water right certificate? Yes If so, give number of certificate 21152
(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
(Yes or No)

12. Is the water right recorded in your name? No - James R. Stackhouse
(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 $\frac{1}{4}$
28S.	7W.	28															<u>23</u>	
																	<u>3.0</u>	

(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 1000 ft. N. and 820 ft. W. from the SE
(N. or S.) (E. or W.)
corner of Sec. 28 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28 Tp. 28S. R. 7W. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Douglas 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?

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.? No
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Contract	Farmer's Home Administration	\$65,000.
Contract	Federal Land Bank	\$18,000.

20. Reasons for the proposed changes are

.....
putting point of diversion in a more desireable location and changing
the lands so that the oldest rights are located on the best suited
pasture.
.....

AFFIDAVIT OF APPLICANT

STATE OF OREGON,
County of Douglas } ss.

I, Betty Espinoza, 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 29 day of December, 1976

Betty Espinoza
(Name of applicant)

Subscribed and sworn to before me this 29 day of December, 1976

[Notarial Seal]

M. J. J. J.
NOTARY PUBLIC FOR OREGON

My commission expires 4-18-80

Remarks The land transferred will not be claimed as part of Permit No.

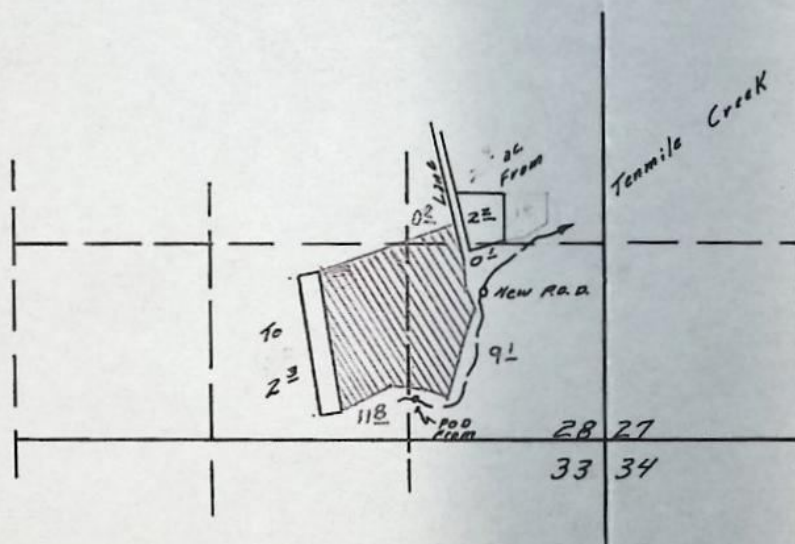
37540.

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.

RECEIVED

JAN-61977

WATER RESOURCES DEPT
SALEM, OREGON



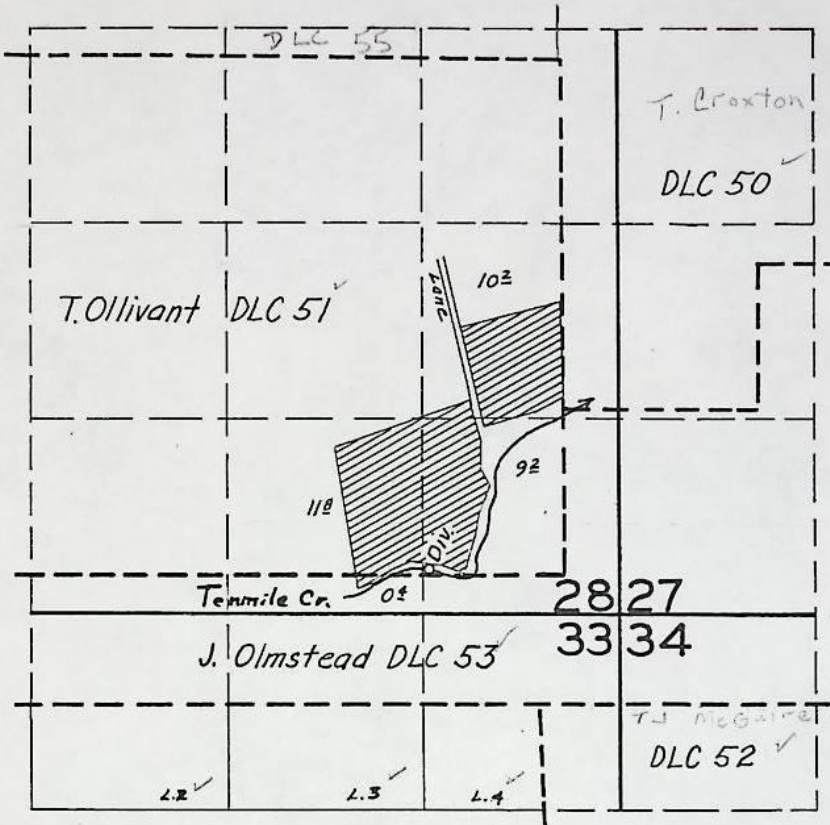
New P.O.D. :
1000' N, 820 W
from the SE
Cor. Sec. 28

Tp. 28 So. R. 7 W. W.M.
4" = 1 mile

T# 3444

m.f.y.

T. 28 S. R. 7 W. WM



FINAL PROOF SURVEY
UNDER

Application No. 5 Permit No. 17222
IN NAME OF

James A. McGeorge

Surveyed July 22, 1911, by James A. McGeorge

1-54-2

T-3444

filed 8/12/76

100
38

Tennmile Cr.

From
38

5.1

From
0'

R.O.D.
To.

R.O.D.
From

28	27
33	34

Permit No. 15999

RECEIVED
AUG 12 1976
WATER RESOURCES DEPT
SALEM, OREGON

CHANGE IN PLACE OF USE AND POINT OF DIVERSION

[illegible]

Info Mrs Espinola (Pointed out area they Irr.)

Dir: Direct from Ct

Pump Berkley 3"x3"
motor G.E. ~~20~~¹⁵ HP @ 3480

$$\textcircled{2} 45 \text{ psi} \\ \frac{15 \times 6.6}{10 + 114.3} = 0.80 \text{ f/s}$$

Pipe ~~800~~⁵⁵⁰ 5" Alum
4" "
1240 3" Alum
240 2" "

Heads 30-R.B. HO's 3/16 x 1/8

$$\textcircled{2} 45 \text{ psi} \\ (30 \text{ max}) \frac{30 \times 8.57}{450} = 0.58 \text{ f/s}$$

USE Irr Pasture

lift + 10 to + 40

Tie: PTS - 1977- RA

NOTE: Surveyed All land west of lane Need to match to old rights as there is an old right of way? right on this land.

11/9/77

F.E.

Del Sparks

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION
OF JOHN AND BETTY ESPINOLA FOR THE
APPROVAL OF A CHANGE IN PLACE OF USE
AND POINT OF DIVERSION OF WATER FROM
TENMILE CREEK

ORDER APPROVING
TRANSFER NO. 3444

On August 12, 1976, John and Betty Espinola filed an application in the office of the Water Resources Director for the approval of a change in place of use and point of diversion of water from Tenmile Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 21152, Volume 15, State Record of Water Right Certificates, in the name of James R. Stackhouse, describes an existing right of record which includes the use of not to exceed 0.293 cubic foot per second from Tenmile Creek for irrigation of 2.4 acres in $S\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$, 11.8 acres in $E\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$ and 9.2 acres in $W\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$ of Section 28, Township 28 South, Range 7 West, W.M., with a date of priority of September 25, 1944.

Water for the said right is diverted from a point located 300 feet North and 1275 feet West from the Southeast corner of Section 28, being within the $SE\frac{1}{4} SE\frac{1}{4}$ of Section 28, Township 28 South, Range 7 West, W.M.

The applicants herein, owners of the lands above described, propose to sever the right from a certain 2.2 acres in $NE\frac{1}{4} SE\frac{1}{4}$ and 0.1 acre in $SE\frac{1}{4} SE\frac{1}{4}$ of the said lands and in lieu thereof to irrigate, without loss of priority, a certain 2.3 acres in $SW\frac{1}{4} SE\frac{1}{4}$ of said Section 28.

The applicants also propose to change the point of diversion for all of the lands above described and to divert the water from Tenmile Creek at a point located 1000 feet North and 820 feet West from the Southeast corner of Section 28, being within the $SE\frac{1}{4} SE\frac{1}{4}$ of Section 28, Township 28 South, Range 7 West, W.M., for irrigation of 0.2 acre in $S\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$, 14.1 acres in $SW\frac{1}{4} SE\frac{1}{4}$ and

9.1 acres in W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion from Tenmile Creek described herein, without loss of priority, are 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 0.293 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 and said water so transferred shall be applied to beneficial use on or before October 1, 1978.

That portion of the water right confirmed by the said certificate recorded at Page 21152, Volume 15, State Record of Water Right Certificates, NOT modified by the provisions of this order is the subject of transfer application No. 3607.

NO1100 77V

It is FURTHER ORDERED that the certificate of water right heretofore issued to James R. Stackhouse and recorded at Page 21152, Volume 15, 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 John and Betty Espinola.

Dated at Salem, Oregon, this 11th day of April, 1977.

/s/ JAMES E. SEXSON
Director

ALL COTTON