

3475

STATUS OF APPLICATION

Change in point of diversion
 Date filed 9-23-76
 Date of hearing 12-2-76
 Place of hearing Medford
 Date of order 12-8-76 Vol. 28, page 173
 Date for application of water 10-1-78
 Proof mailed _____

Proof received _____
 Remain R. APR 15 1977 Vol. 36, page 44304
 Certificate issued OCT 28 1980 Vol. 43, page 49686
 Confirming C. issued Vol _____ Page _____

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Rogue River
 Trib. of _____ County of Jackson
 Use irrigation
 Quantity of water _____ No. of acres 30
 Name of ditch _____
 Date of priority March 29, 1930
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 13351 Per. No. 9600 Cert. No. 43993
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

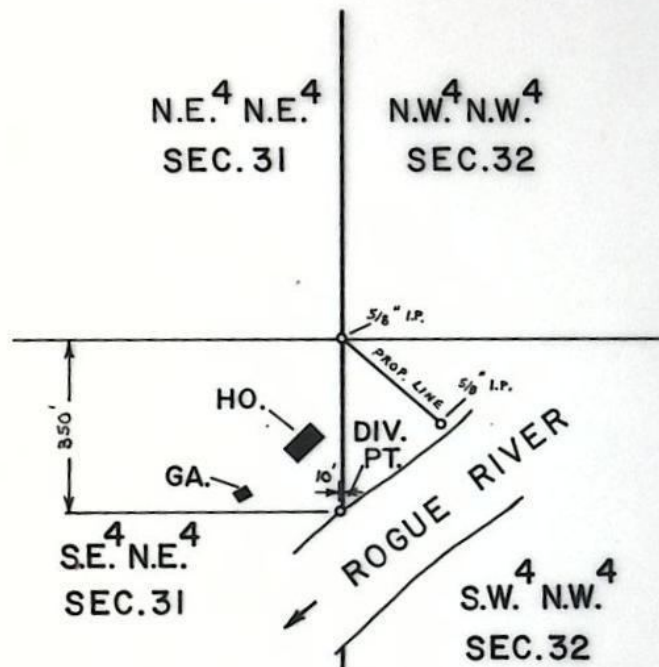
Date	Amount	Receipt No.
9-23-76	35.00	56150
9-23-76	45.00 P.O.N.	56151
TOTAL . . .	<u>80.00</u>	FROM
11-10-76	Cert. Fee	56151
Paid medford mail Tribune 29.05 part of ch. # 955 11-10-76		

FEES REFUNDED

Date	Amount	Check No.
11-10-76	13.95	958

INDEX CARDS:		Entered	Checked
W.H.	Name	✓	—
W.H.	Stream	✓	—
W.H.	Pl. of Div.	✓	—
W.H.	Calendar	✓	—
CHECKED TO RECORDS:			
⊙	Trp. & Rgs.	—	—
—	Decree-vault	—	—
—	Decree sale	—	—
✓	Cert. of W/R	✓	—
✓	Per. Folder	✓	—
—	Chainindex	—	—
—	Cross Ref.	—	—
—	Power Claim	—	—
✓	Abstracts	✓	—

T. 35 S., R. 1 W., W.M.



SCALE: 1" = 400 FT.

FINAL PROOF SURVEY
UNDER

Transfer No. 3475

Application No. _____ Permit No. _____
IN NAME OF

LEON BROWN

Surveyed JUN. 22 1979 by B. SUND

D.H.M.

P.T.S. - 1979-14-C

```

:  (POD)
   POU
   USE
Add'1 POD

```

Add '1' POD

County Jackson

1. Name Albert C. Allen, Jr.
Address 12212 Modoc Road Central Point, OR 97502

2. Source of Supply Rogue River, Trib of _____

3. Use Irrigation

4. Amount of Water 0.19 cfs Priority Date March 29, 1930

5. Proposed Point of Diversion 350 ft. N. 10' N. 1/16 COR., BETWEEN
1650 ft. S. and 110 ft. W. from the NE corner of Sec.
SEC. 31 & 32
31, being within the SE 1/4 NE 1/4 of Sec. 31, T. 35S, R. 1W W.M.

6. Completion Date October 1, 1978

7. Place of Use:

[illegible]

FINAL PROOF OF

APPLICATION No.

PERMIT No.

SURFACE WATER IRRIGATION

TR-3475

INFO: NAMES: OWNER LEON BROWN

ADDRESS: 950 ROGUE WOOD DR.

CENTRAL POINT, OR 97502

TALKED TO: CARL BROWN (FATHER) LIVES ON PROPERTY

SOURCES: ROGUE RIVER

SYSTEM: PUMP DIRECTLY FROM ROGUE RIVER TO IRRIGATE

PUMP: MAKE:

TYPE:

SUCTION SIZE: 1 1/2

DISCHARGE SIZE: 1 1/2

MODEL No.:

RATING:

MOTOR: MAKE:

STA-RITE

TYPE:

ELECTRIC

HP:

1

RPM:

3450

CONNECTED DIRECT OR PULLEYS:

DIRECT

SPRINKLER SYSTEM: BURIED MAINLINE & LATERALS

MAINLINE: NO. FEET: 500'

SIZE: 2"

TYPE: PLASTIC

LATERALS: NO. FEET: 5

SIZE: 1/2"

TYPE: 1/2"

SPRINKLERS: NO. HEADS: 35

MAKE: GARDEN SURFACE SPRAY HEAD

MODEL #:

NOZZLE SIZES:

MAXIMUM: 10

IN OPERATION: MEAN PRESSURE:

NO. OF HEADS:

LIFT: SUCTION: 3'

DISCHARGE: 20'

USE: YARD, GARDEN

DIVERSION: DIRECT: DIRECT

STRUCTURE:

TIE: MONUMENTS: MEANDER WITNESS COR. & PROP. LINE & N. 1/4 COR. BETWEEN SEC. 31 & 32.

SURVEYED ON: DTS-1979-14-C

Buck R. Sand

1" = 400'

FIELD ENGINEER

DATE: 6-22-79

NOTE: HAVE NOT COMPLETED IRRIGATING ALL 18 ACRES

FINAL PROOF ON
SURFACE WATER IRRIGATION

APPLICATION No. TR-3475

PERMIT No. _____

INFO: NAMES: LEON BROWN (OWNER)

ADDRESS: 950 ROGUE WOOD DRIVE
CENTRAL POINT 97502

TALKED TO: ALLEN CARL BROWN (FATHER) LIVES
ON PLACE

SOURCES: ROGUE RIVER

SYSTEM: PUMP DIRECTLY FROM ROGUE RIVER

PUMP: MAKE: _____

TYPE: _____

SUCTION SIZE: 1 1/2"

DISCHARGE SIZE: 1 1/2"

MODEL No.: _____

RATING: _____

MOTOR: MAKE: STA-DITE

TYPE: ELEC.

HP: 1

RPM: 3450

CONNECTED DIRECT OR PULLEYS: DIRECT

SPRINKLER SYSTEM: BURIED MAIN & LAT.

MAINLINE: NO. FEET: 500'

SIZE: 2"

TYPE: PLASTIC

LATERALS: NO. FEET: _____

SIZE: _____

TYPE: _____

SPRINKLERS: NO. HEADS: 35'

MAKE: _____

MODEL #: _____

NOZZLE SIZES: _____

MAXIMUM: 10

IN OPERATION: MEAN PRESSURE: _____

NO. OF HEADS: _____

LIFT: SUCTION: 3'

DISCHARGE: 20'

USE: GARDEN, YARD

DIVERSION: DIRECT: _____

STRUCTURE: _____

TIE: MONUMENTS: _____

SURVEYED ON: _____

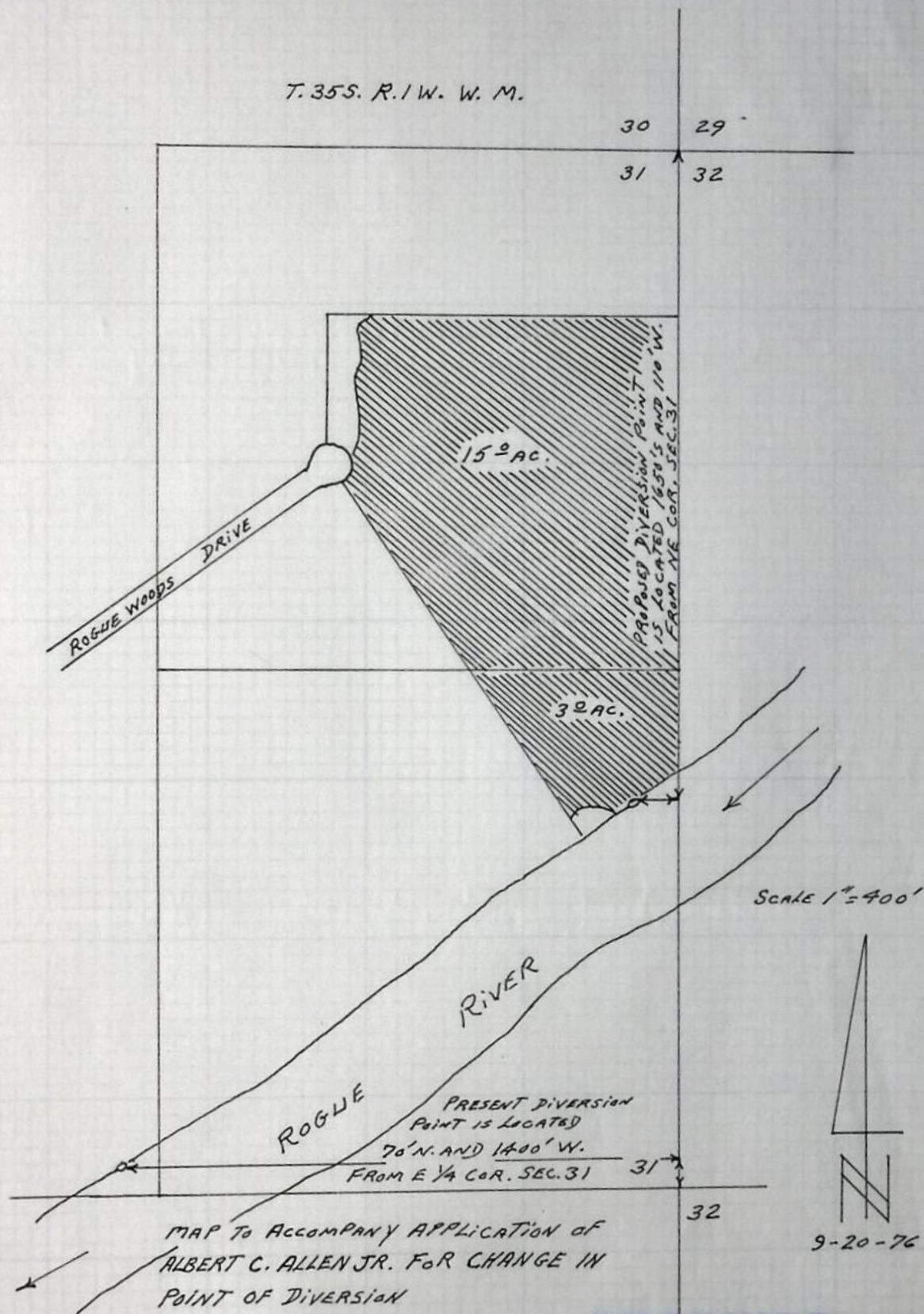
BRS

FIELD ENGINEER

DATE: 5-15-79

NOTE: HAVE ONLY IRRIGATE ABOUT 1/2 ACRE SINCE SON IS BACK EAST.

MR. BROWN WOULD LIKE MORE TIME TO FINISH THE
PROJECT.



RECEIVED

SEP 23 1976

WATER RESOURCES DEPT
SALEM, OREGON

T-3475

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF ALBERT C. ALLEN, JR., FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 3475

On September 23, 1976, Albert C. Allen, Jr., filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Rogue River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 43993, Volume 36, State Record of Water Right Certificates, in the name of Albert C. Allen, Jr., describes an existing right of record which includes the use of not to exceed 0.19 cubic foot per second from Rogue River for irrigation of 15.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 35 South, Range 1 West, W.M., with a date of priority of March 29, 1930.

Water for the said right is diverted from a point located 70 feet North and 1400 feet West from the East quarter corner of Section 31, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 35 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to change without loss of priority the point of diversion to a point located 1650 feet South and 110 feet West from the Northeast corner of Section 31, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 35 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 October 8, 15 and 22, 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 from Rogue River 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 0.19 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, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Albert C. Allen, Jr., and recorded at Page 43993, Volume 36, 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 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 Albert C. Allen, Jr.

Dated at Salem, Oregon, this 8th day of December, 1976.

/s/ JAMES E. SEXSON
Director

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SEP 23 1976

WATER RESOURCES DEPT
SALEM, OREGON

T-3475

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Albert C. Allen Jr.

(Name of applicant)

of 12212 Modoc Road Central Point, County of Jackson
(Postoffice)

State of Oregon 97502, 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 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 70 ft. N and 1400 ft. W from the E $\frac{1}{4}$
(N. or S.) (E. or W.)

corner of Section 31 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$
(Section or subdivision)

of Section 31 Tp. 35 S R. 1 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 $\frac{1}{4}$	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 $\frac{1}{4}$
35 S	1 W	31	15.0			3.0												

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

0.19 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? March 29, 1930

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

of permit 9600

10. Do you hold a water right certificate? yes If so, give number of certificate 15562
(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? yes - Albert C. Allen
(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 1650 ft. S. and 110 ft. W from the NE
(N. or S.) (E. or W.)
corner of Sec. 31 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31 Tp. 35S R. 1 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? 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.? no
(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 better facilitate the use of water

WATER RESOURCES DEPT
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AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson } ss.

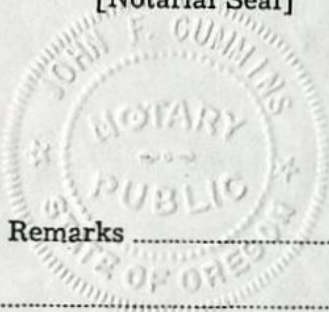
I, Albert C. Allen Jr., the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 20 day of September, 1976.

* Albert C. Allen Jr.
(Name of applicant)

Subscribed and sworn to before me this 20 day of SEPTEMBER, 1976.

[Notarial Seal]



John F. Cummins
NOTARY PUBLIC FOR OREGON
My commission expires 21 January 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.

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NOV 17 1978

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CONSTRUCTION AND CHANGE IN POINT
OF DIVERSION, Transfer No. 3475

I, Albert C. Allen, Jr., hereby certify
that the point of diversion change has been made according
to the terms in above transfer order for the use of water
from Rogue River.

11/16/78
Date

Albert C. Allen Jr.
(Signature)

ok
lg

Please note: Leon Brown purchased this property in late 1976
and has completed the change in point of diversion. His name
and address are: Leon Brown, 950 Roguewoods Drive, Central
Point, Oregon 97502.

NOTICE OF FILING APPLICATION
FOR A CHANGE
IN POINT OF DIVERSION

Notice is given hereby that Albert C. Allen, Jr., has filed an application for the approval of a change in point of diversion from Rogue River.

Certificate of water right issued to Albert C. Allen, Jr., and recorded at Page 35274, Volume 27, State Record of Water Right Certificates, confirms a right to the use of 1.35 cubic foot per second from Rogue River for the irrigation of, among other lands, 15.0 acres in NE 1/4 NE 1/4 and 3.0 acres in SE 1/4 NE 1/4 of Sec. 31, T. 35 S., R. 1 W., W.M., with a date of priority of Mar. 29, 1930.

These lands are irrigated from a point of diversion located 70 feet N. and 1400 ft. W. from the E 1/4 corner of Sec. 31, being within the SW 1/4 NE 1/4, Sec. 31, T. 35 S., R. 1 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 1650 ft. S. and 110 ft. W. from the NE corner of Sec. 31, being within the SE 1/4 NE 1/4 of Sec. 31, T. 35 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on Dec. 2, 1976, 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 Albert C. Allen, Jr., 12212 Modoc Rd., Central Point, Oregon 97502, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 1st day of October, 1976.

JAMES E. SEXSON
Director

Affidavit of Publication

State of Oregon, }
County of Jackson } ss.

1. Sharon J. Morris, 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 of filing application for a change
in point of diversion of water / Allen, a 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 Oct. 8, 15, 22, 1976
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sharon J. Morris
Subscribed and sworn to before me this 22 nd day of Oct., 1976

James J. Osborn
NOTARY PUBLIC FOR OREGON
My Commission expires 21st day of May, 1977



T-3475

WATER RESOURCES DEPARTMENT

JACKSON COUNTY COURTHOUSE • MEDFORD, OR • 97501 • Phone 773-6211

ROBERT W. STRAUB
GOVERNOR

September 21, 1976

JAMES E. SEXSON
Director

WATER POLICY REVIEW
BOARD

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Portland

Mr. James E. Sexson, Director
Water Resources Department
Salem, Oregon

Attention: Mr. Larry Jebousek, Administrator
Water Rights Division

Dear Mr. Jebousek:

I am enclosing a transfer application in the name of Albert C. Allen Jr. of 12212 Modoc Road, Central Point, Oregon 97502, for a change in point of diversion of water from the Rogue River, together with a check in the sum of \$80 to cover transfer and advertising fees, the necessary map tracing and legal land description.

The applicant has asked that the advertising notices be placed in the Medford Mail Tribune, Medford, Oregon 97501.

It is my opinion that this proposed change in point of diversion may be made without injury to existing rights; also I believe the second provision relative to pumping plants would be the best to incorporate within the order.

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, District 13

DCH:kw

enclosures

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SEP 23 1976

WATER RESOURCES DEPT.
SALEM, OREGON