

3366 Bill Behler
Star Route, 640 Miles Hill.
Shady Cove 97539

3366

STATUS OF APPLICATION

Change in point of diversion
Date filed 2-27-76
Date of hearing 5-6-76
Place of hearing Mudford
Date of order 6-4-76 Vol. 27, page 224
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued AUG 20 1976 Vol. 35, page 43589
May 2, 1980 42 49183

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Indian Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 13 2
Name of ditch Brewer
Date of priority June 16, 1953
In name of Eleanora Brewer
_____ Adjudication, Vol. _____, page _____
App. No. 28541 Per. No. 22330 Cert. No. 26937
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-27-76</u>	<u>35.00</u>	<u>51593</u>
<u>2-27-76</u>	<u>45.00 pon</u>	<u>51594</u>
TOTAL . . .		
<u>4-8-76</u>	<u>\$4.00</u> Cert. Fee	<u>51594</u> FROM P.O.N.

FEES REFUNDED

Date	Amount	Check No.
<u>4-8-76</u>	<u>\$ 13.38</u>	<u>511</u>

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<u>WA</u>	Name	<u>✓</u>	
<u>WA</u>	Stream	<u>✓</u>	
<u>WA</u>	Pt. of Div.	<u>✓</u>	
<u>WA</u>	Calendar	<u>✓</u>	
<u>✓</u>	CHECKED TO RECORDS:		
<u>✓</u>	Twp. & Rge.	<u>WA</u>	
<u>✓</u>	Decree-vault		
<u>✓</u>	Decree-safe		
<u>✓</u>	Cert. of W/E	<u>CC</u>	
<u>✓</u>	Per. Folder	<u>CC</u>	
<u>✓</u>	Chaindex		
<u>✓</u>	Cross Ref.		
<u>✓</u>	Power Claim		
<u>✓</u>	Abstracts		

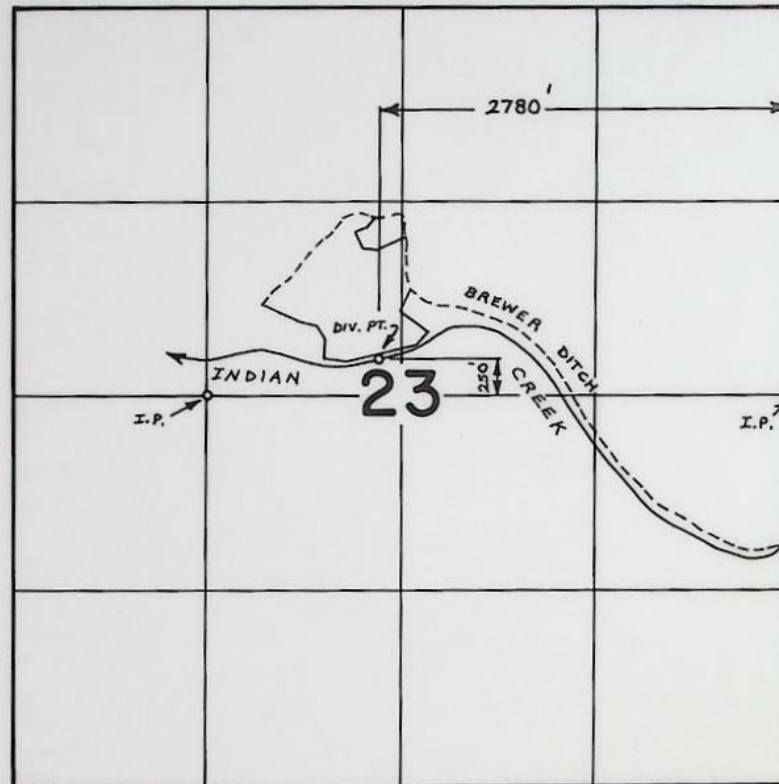
W.R.I.S.

Assembled 6/12/85 by CLH

Entered _____ by _____

Verified _____ by _____

T. 34 S., R. 1 W., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 3366

Application No. _____ Permit No. _____
IN NAME OF

BILL BEHLER

Surveyed JUN. 20 1979, by B. SUND

D.H.M.
PHOTO : 7-3
P.T.S. - 1959 - Z

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }
OF BILL BEHLER FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM INDIAN CREEK }

ORDER APPROVING
TRANSFER NO. 3366

On February 27, 1976, Bill Behler filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Indian Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Eleanora Brewer and recorded at Page 26937, Volume 19, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.18 cubic foot per second of water from Indian Creek for the irrigation of, among other lands, 13.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 34 South, Range 1 West, W.M., with a date of priority of June 16, 1953. These lands are irrigated by means of the Brewer ditch from a point of diversion located 1030 feet South and 60 feet West from the East quarter-corner of Section 23, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, 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 220 feet North and 3270 feet West from the East quarter-corner of Section 23, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 34 South, Range 1 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 May 6, 1976, at 9:30 a.m. The

ALL COTTON

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 March 12, 19 and 26, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Indian Creek, to wit:

From a point located 1030 feet South and 60 feet West from the East quarter-corner of Section 23, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 34 South, Range 1 West, W.M.

To a point to be located 220 feet North and 3270 feet West from the East quarter-corner of Section 23, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 34 South, Range 1 West, W.M.

for the irrigation of 13.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 34 South, Range 1 West, W.M., with a date of priority of June 16, 1953, 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, 1977.

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 0.167 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.

ALL COTTON

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 Eleanora Brewer and recorded at Page 26937, Volume 19, 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 receipt of 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 Bill Behler confirming the change in point of diversion.

Dated at Salem, Oregon, this 4th day of June, 1976.

/s/ JAMES E. SEXSON
Director

PRS- 6-20-79
Photo 7-3 (EPID)
4 PDS-1959-

3-29-78

3303 INDIAN CR. RD, S.C.

1.	Name	Bill Behler	878-2087	Address	Star Rt, 640 Indian Cr Rd, Shady Cove 97539
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2. Source of Supply Indian Creek, Trib. of

3. Amount of Water 0.18 cfs Priority Date June 16, 1953

4. Use irrigation of 14 ^{1/2} Ac.

5. Proposed Point of Diversion $\frac{250}{220}$ ft N. & $\frac{2780}{3270}$ ft W. from E $\frac{1}{4}$ Corner, of Sec 23, being within SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 23, T 34 S, R 1 W, W.M.

6. Place of Use C date: 10-1-77

[illegible]

INFO: NAMES: BILL BEHLER

ADDRESS: 3303 INDIAN CR. RD.

SHADY COVE, OR. 97539

TALKED TO: MR. BEHLER

SOURCES: INDIAN CR.

SYSTEM: PUMP UP TO OLD DITCH AND FLOOD.
SOME SPRINKLER IRR.

PUMP: MAKE: _____

TYPE: _____

SUCKION SIZE: 2"

DISCHARGE SIZE: 2"

MODEL No.: _____

RATING: 80 GPM

MOTOR: MAKE: BRIGGS & STRATON

TYPE: GAS

HP: 5

RPM: _____

CONNECTED DIRECT OR PULLEYS: DIRECT

SPRINKLER SYSTEM: PORTABLE

MAINLINE: NO. FEET: 700

SIZE: 2 1/2"

TYPE: PVC

LATERALS: NO. FEET: 400

SIZE: 2"

TYPE: PVC

SPRINKLERS: NO. HEADS: 10

MAKE: RB.

MODEL #: 30

NOZZLE SIZES: 5/32 x 3/32

MAXIMUM: 10

IN OPERATION: MEAN PRESSURE: _____

NO. OF HEADS: _____

LIFT: SUCTION: 2'

DISCHARGE: 25'

USE: PASTURE

DIVERSION: DIRECT: DIRECT

STRUCTURE: _____

TIE: MONUMENTS: I.P. E 1/4 COR. SEC. 23

SURVEYED ON: PHOTO 7-3 (EPID) INSPECTION OF IRRIGATION

Bruce R. Lund

FIELD ENGINEER

DATE: 6-20-79

NOTE:

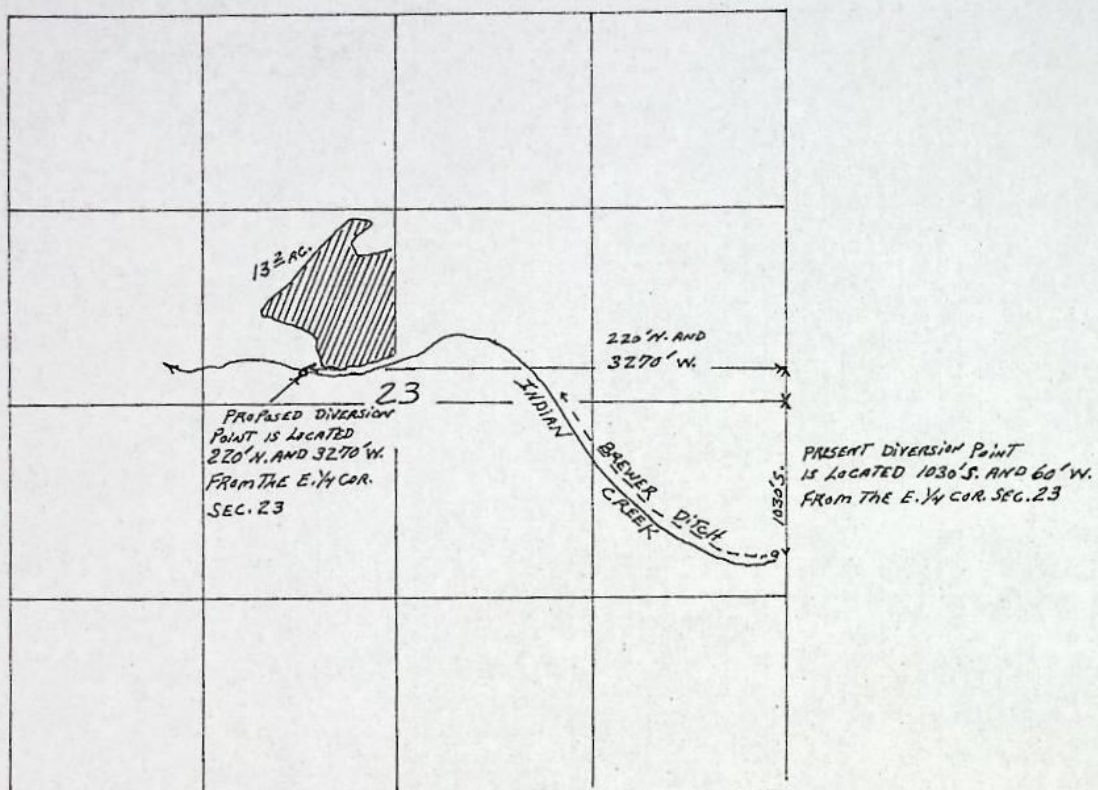
$$\frac{80}{450} = 0.18 \text{ c.f.s.}$$

$$\frac{5(6.61)}{27+114} = 0.23 \text{ c.f.s.}$$

$$\frac{(1.7+4.7)(10)}{450}$$

0.14 c.f.s.
plus flood lvl.

T. 34S. R. 1W. W. M.



MAP TO ACCOMPANY APPLICATION OF BILL BEHLER FOR
CHANGE IN POINT OF DIVERSION

SCALE 4" = 1 MILE



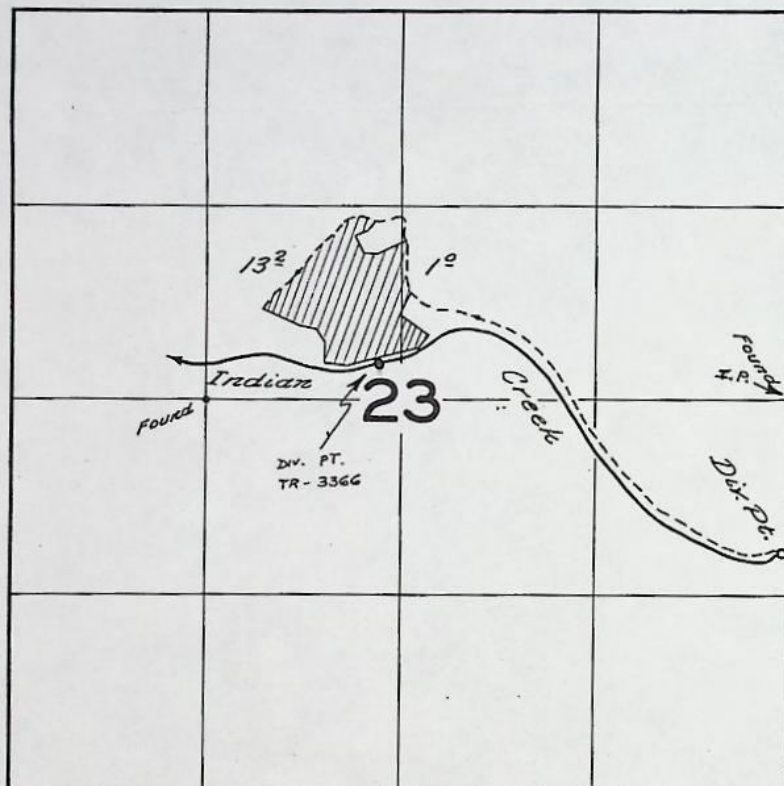
2-26-76

RECEIVED
FEB 27 1976
WATER RESOURCES DEPT.
SALEM, OREGON

T-3366

T.34S.R.IW.W.M.

Behler, Bill
TR-3366
CIPOD



FINAL PROOF SURVEY
UNDER

Application No. 28541... Permit No. 22330.
IN NAME OF

.....Charles L. Brewer.....

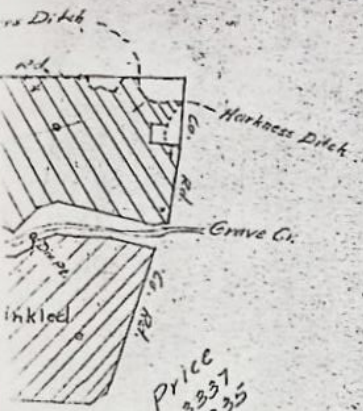
Surveyed May 9... 1959, by C. O. Banks.....

3.60
2.20
1.40

6.25/10
5.00

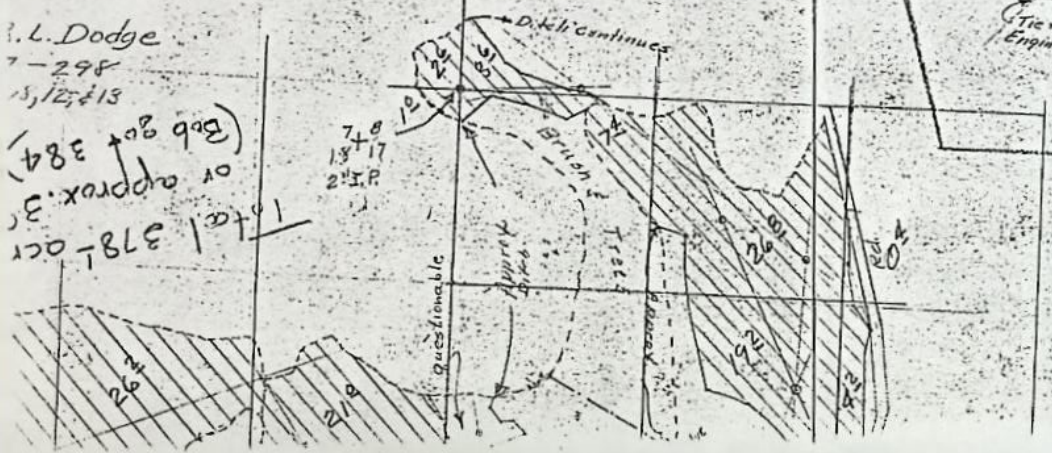
1.6
10.80/6.25

2
1.21
2.1



Frank Price
29625-23337
29625-23335
May 19-59

J.L. Dodge
7-298
13, 12, 13
(Bob 80 384)
or approx. 3
100 378-001



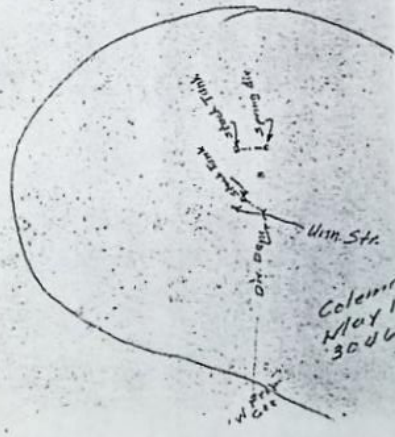
East
J.H. Kean 4 on Sec 23
Charles Brewer
div. Pl. Sec-19592 for Land
Indian Cr.

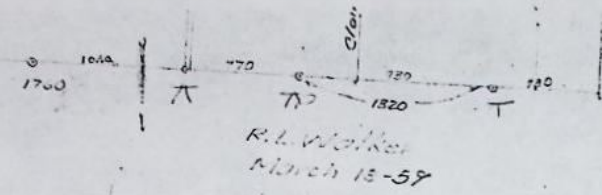
C.E. Smith
23973-18418
May 11-59

Tie to State
Engineer Map

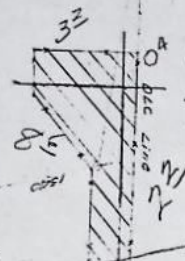
SE corner
SW 1/4 NW 1/4
Sec. 5

Unm. draw

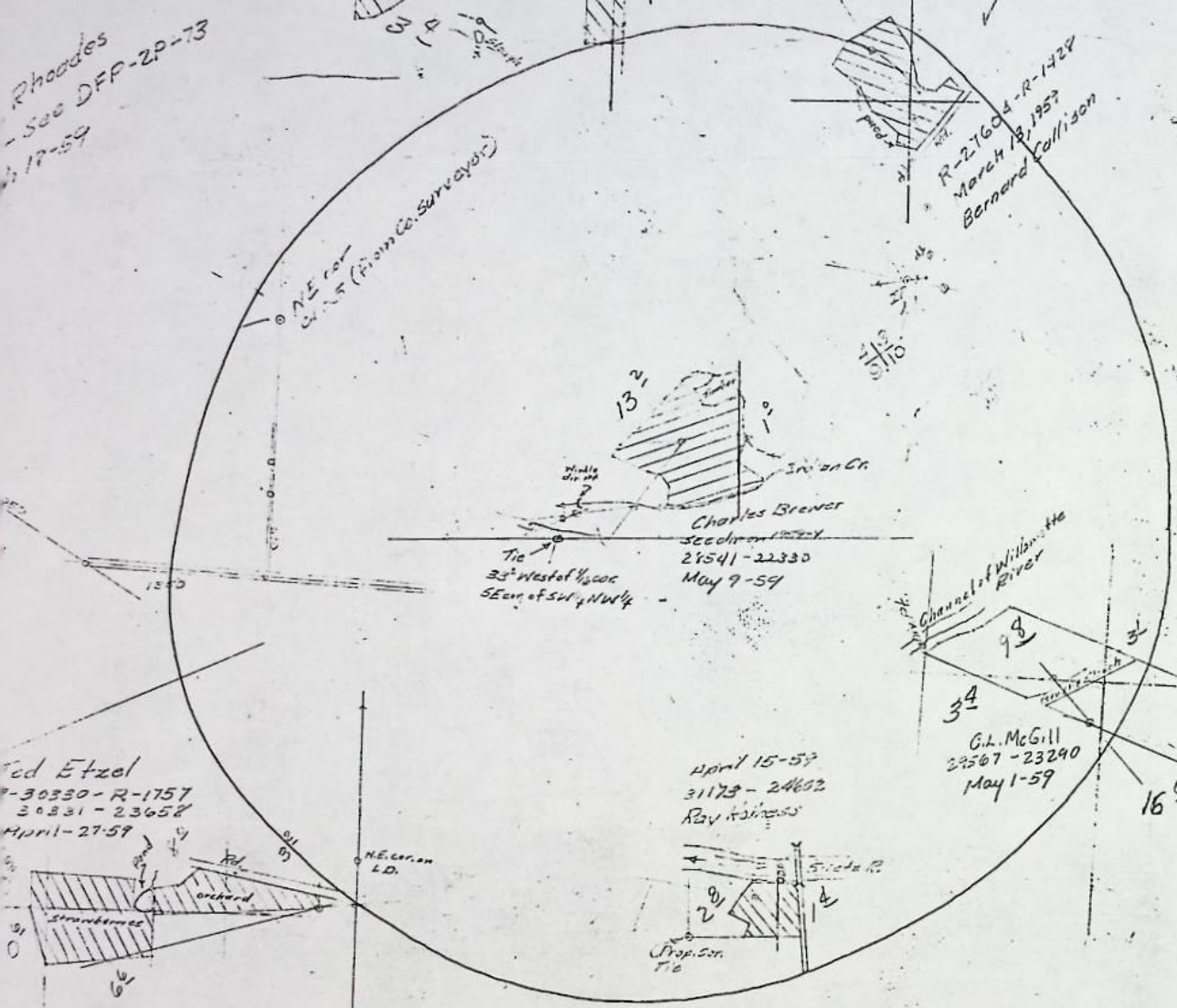
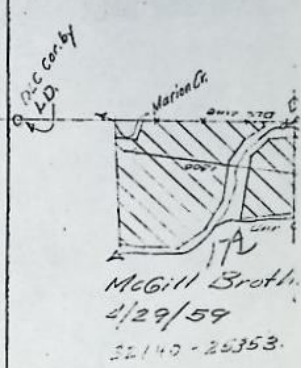




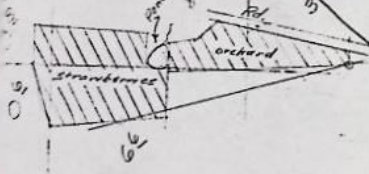
Libert Cole
30315-24026
4/30/59



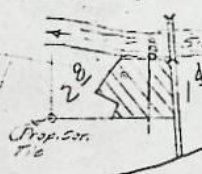
Rhoades
- See DFP-29-73
4/12-59



Ed Etzel
7-30330-R-1757
30831-23658
April-27-59



April 15-59
31173-24602
Ray R. Smith



G.L. McGill
29567-23290
May 1-59



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FEB 27 1976

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Bill Behler

(Name of applicant)

of Star Route, 640 Indian Cr. Rd., /, County of Jackson
(Postoffice)State of Oregon 97539, 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 Indian 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 Brewer Ditch.4. The point of diversion is located 1030 ft. S. and 60 ft. W. from the E $\frac{1}{4}$
(N. or S.) (E. or W.)corner of Section 23 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$
(Section or subdivision)of Section 23 Tp. 34 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 $\frac{1}{4}$
34 S	1 W.	23								13.2								

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? 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? June 16, 1953.9. Was your water right acquired by State Engineer's Permit? Yes. If so, give number
(Yes or No)of permit 22330.

10. Do you hold a water right certificate? Yes. If so, give number of certificate 26937.
(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 - Eleanore Brewer.
(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 220 ft. N. and 3270 ft. W. from the E $\frac{1}{4}$
(N. or S.) (E. or W.)
corner of Sec. 23 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23 Tp. 34 S. 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.?
(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 costly to maintain.

.....

.....

.....

Bill Behler

Legal Land Description:

E½ NW¼, Section 23, Township 34 South, Range 1 West,
Willamette Meridian, Jackson County, Oregon.

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FEB 27 1976

WATER RESOURCES DEPT.
SALEM, OREGON

T-3366

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

} ss.

I, Bill Behler, 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 25 day of FEBRUARY, 1976.

X

Bill Behler

(Name of applicant)

Subscribed and sworn to before me this 25 day of FEBRUARY, 1976.

[Notarial Seal]

John F. Cummins

NOTARY PUBLIC FOR OREGON

My commission expires

Jan. 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.



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

January 12, 1978

Bill Behler
Star Rt., 640 Indian Cr. Rd.
Shady Cove, OR 97539

RE: File No. T- 3366

Dear Mr. Behler:

The time allowed for completion of the change in point of diversion of water from Indian Creek, proposed by your water right transfer application No. 3366, expired on October 1, 1977.

If the authorized change was accomplished on or before said date, please fill out and sign the statement of completion at the bottom of this letter and send it to us.

If you were unable to fully accomplish the change within the time allowed, but were dilligently working on it and, therefore, you want to apply for an extension of the time limit, check the box at the very bottom of this letter to request the proper application form.

Sincerely,

James W. Carver, Jr.
James W. Carver, Jr.
Engineer

see below
JWC:lcj

STATEMENT OF COMPLETION

OK
I hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving water right transfer application No. 3366 was accomplished by April 10th, 1977.

March 22, 1978
Date

Bill Behler
Signature

☐ Please send form for application for extension of time limit.

NOTICE OF FILING APPLICATION
FOR A CHANGE IN POINT
OF DIVERSION OF WATER

Notice is given hereby that Bill Behler has filed an application for the approval of a change in point of diversion of water from Indian Creek.

Certificate of water right issued to Eleanor Brewer and recorded at page 26937, Volume 19, State Record of Water Right Certificates, confirms a right to the use of 0.18 cubic foot per second from Indian Creek for the irrigation of, among other lands, 13.2 acres in SE 1/4 NW 1/4, Sec. 23, T. 34 S., R. 1 W., W.M., with a date of priority of June 16, 1953. Water for this use is diverted from a point located 1030 ft. S. and 60 ft. W. from the E 1/4 corner of Sec. 23, being within the NE 1/4 SE 1/4, Sec. 23, T. 34 S., R. 1 W., W.M.

The applicant herein, owner of the land above described, proposes to irrigate these lands from a point of diversion to be located 220 ft. N. and 3270 ft. W. from the E 1/4 corner of Sec. 23, being within the SE 1/4 NW 1/4, Sec. 23, T. 34 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 May 6, 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 Bill Behler, Star Route, 640 Indian Creek Road, Shady Cove, Oregon 97539, 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 objections are 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 4th day of March, 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 for Filing Application for A
Change of Diversion of Water-Indian Creek, 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 March 12, 19, 26, 1976

(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sharon J. Morris

Subscribed and sworn to before me this 26th day of March, 1976

James E. Sexson
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1977