

3377 Highway 230  
Jacksonville, Or 97530

3377

STATUS OF APPLICATION

Change in point of diversion  
Date filed 3-22-76  
Date of hearing 6-1-76  
Place of hearing Medford  
Date of order 6-7-76 Vol. 27, page 234  
Date for application of water 10-1-77  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued NOV 23 1976 Vol. 36, page 43988  
APR 23 1979 41 47811  
to survey 1/78

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River  
Trib. of \_\_\_\_\_ County of Jackson  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 3 0  
Name of ditch Kukli Ditch  
Date of priority 1866  
In name of Maud Kukli  
Regue River Adjudication, Vol. 7, page 23  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 16238  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

DVA Notification

FEES PAID

Date	Amount	Receipt No.
3-22-76	\$ 35.00	52078
3-22-76	\$ 45.00 P.O.N.	52079
4-26-76	(4.00)	52079
TOTAL	\$ 140.00	
4-26-76	Cert. Fee	52079

FEES REFUNDED

Date	Amount	Check No.
4-26-76	\$ 12.91	526

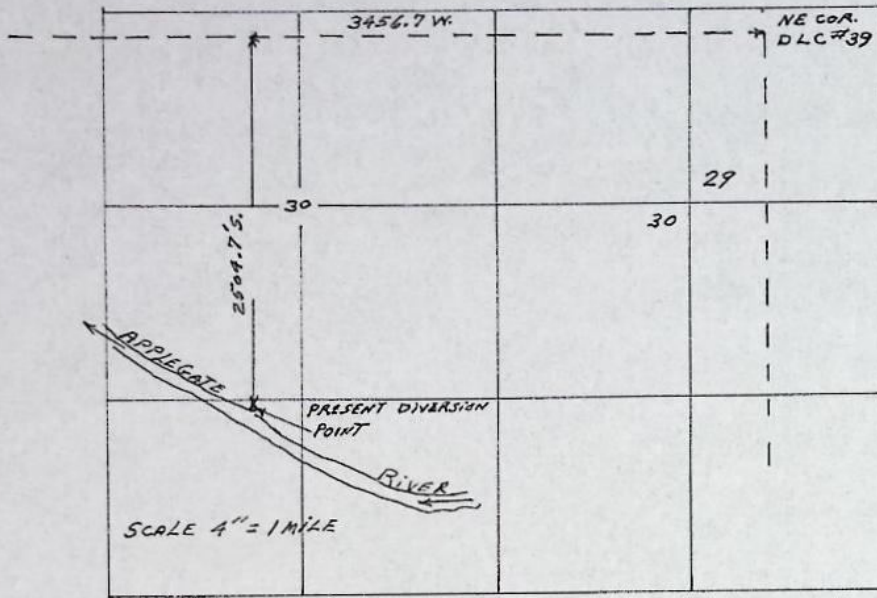
REMARKS

The average under Certificate 16238  
was involved in the Transfer No H-160,  
but certificate number 16238 was  
never mentioned. This change is from  
point allowed in Transfer No H-160

	INDEX CARDS:		Entered	Checked
	WH	WH		
Name	✓			
Stream	✓			
Pt. of Div.	✓			
Calendar	✓			
CHECKED TO RECORDS:				
Trp. & Rge.	✓			
Decree-vault	✓			
Decree-safe	✓			
Cert. of W/R	✓			
Per. Folder				
Chaindex				
Cross Ref.				
Power Claim				
Abstracts				

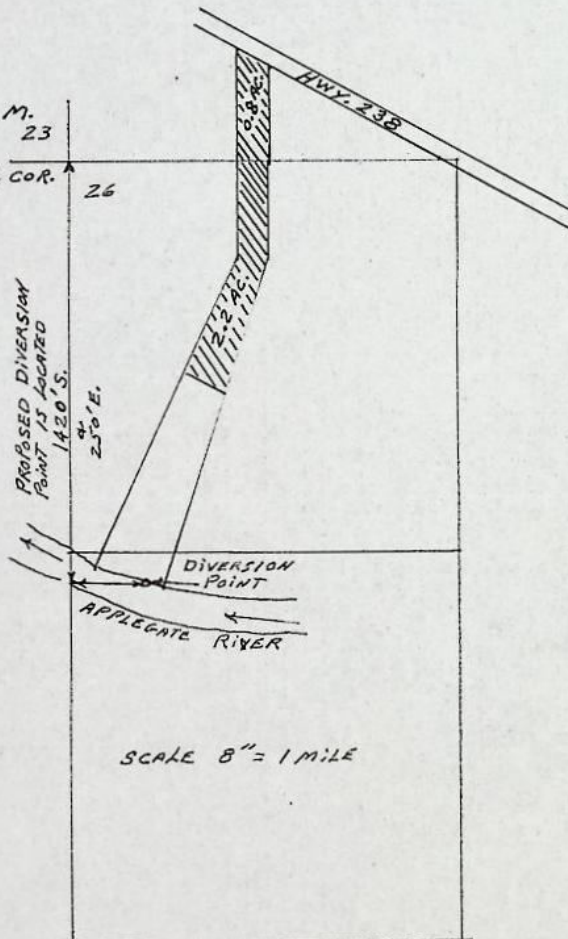


T.38S. R.3W. W.M.



T.38S. R.4W. W. M.  
23

N. 1/4 COR.



RECEIVED  
MAR 20 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON

MAP TO ACCOMPANY APPLICATION OF  
JOY C. NEWMAN FOR CHANGE IN  
POINT OF DIVERSION



3-11-76

T-3377



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF JOY C. NEWMAN FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM APPELEGATE RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. 3377

On March 22, 1976, Joy C. Newman filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Maud Kubli and recorded at Page 16238, Volume 13, State Record of Water Right Certificates, confirms a right to the use of water from Applegate River for the irrigation of, among other lands, 0.8 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, and 2.2 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 38 South, Range 4 West, W.M., with a date of priority of 1866. These lands are irrigated by means of the Fowler & Keeler ditch from a point of diversion located 2504.7 feet South and 3456.7 feet West from the Northeast corner of DIC #39, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30, Township 38 South, Range 3 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 1420 feet South and 250 feet East from the North quarter-corner of Section 26, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26, Township 38 South, Range 4 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 June 1, 1976 at 9:30 a.m. The 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 April 5, 12 and 19, 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 Applegate River, to wit:

From a point located 2504.7 feet South and 3456.7 feet West from the Northeast corner of DIC #39, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30, Township 38 South, Range 3 West, W.M.

To a point to be located 1420 feet South and 250 feet East from the North quarter-corner of Section 26, being within SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26, Township 38 South, Range 4 West, W.M.

for the irrigation of 2.2 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, and 0.8 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, Township 38 South, Range 4 West, W.M., with a date of priority of 1866, 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 0.07 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 certificate of water right heretofore issued to Maud Kubli and recorded at Page 16238, Volume 13, 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 Joy C. Newman confirming the change in point of diversion.

Dated at Salem, Oregon, this 7th day of June, 1976.

/s/ JAMES E. SEXSON  
Director

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON



11-61-8251-512  
6-20-78 Zps

Transfer No. 3377 County Jackson

1. Name Joy C. Newman Address <sup>13301</sup>~~12867~~ Highway 238 Jacksonville, OR 97530

2. Source of Supply Applegate River, Trib. of

3. Amount of Water  Priority Date 1866

4. Use irrigation

5. Proposed Point of Diversion <sup>1480</sup>~~1420~~ ft. S. and <sup>340</sup>~~250~~ ft. E. from the North quarter-  
corner of Sec. 26, within SW $\frac{1}{4}$  NE $\frac{1}{4}$  of S. 26, T. 38 S., R. 4 W., W. M.

## 6. Place of Use

[illegible]

INFO: MRS. NEWMAN ALSO HAS A NEW WATER RIGHT.

(App'l. 54050 Permit 40424)

PUMP: BERKELEY  $1\frac{1}{2}$ " X 2"

MOTOR: CENTURY 5 HP @ 3500 RPM 110 gpm 135' HEAD

PIPE: MAIN: 1700' - 3" - AL

LAT: 1080' - 3" - AL

SPRINKLERS: 36 - RB20 -  $\frac{5}{32}$ "

21 MAX

LIFT: 12' - SUCTION

10' - PUMP

USE: PASTURE

TIE: PTS-1978-14-A

S.W. PROP COR  $\frac{1}{4}$  OLD RIGHT (N.W. PROP COR OF IRR.)

Bruce F. Samuel  
F.E.

6-20-78

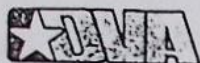
$$\frac{110}{450} = 0.24 \text{ c.f.s.} \checkmark$$

$$\frac{1.4}{80} = 0.02 \text{ c.f.s.} \checkmark$$

$$\frac{5(6.61)}{114+22} = 0.24 \text{ c.f.s.} \checkmark$$

$$\frac{21(4.7)}{450} = 0.22 \text{ c.f.s.} \checkmark$$





## NOTICE OF INTEREST IN WATER RIGHT

To: Director of Water Resources 3850 Portland Road N.E. Salem, Oregon 97310	DATE SENT TO WATER RESOURCES	DATE REC'D BY WATER RESOURCES <b>RECEIVED</b> APR 14 1986 WATER RESOURCES DEPT SALEM, OREGON
	4-11-86	
	DATE RETURNED TO DVA	

This is to notify you of an interest in the following described water right:

LOAN NUMBER <b>M61049</b>	FIELD OFFICE <b>MO</b>	COUNTY <b>JACKSON</b>	ACREAGE IRRIGATED: ORIGINAL APPRAISAL _____ ACTUAL _____
NAME OF BORROWER (LAST, FIRST, M.I.) <b>Ink, Walter K.</b>			
MAILING ADDRESS			

COMMENTS

## PROPERTY AND WATER RIGHT INFORMATION

TOWNSHIP	<b>38S</b>		
RANGE	<b>4W</b>		
SECTION	<b>23, 26</b>		
APPLICATION	NUMBER: <b>54056</b>	<b>73377</b>	<b>62059</b>
PERMIT	NUMBER: <b>40424</b>		<b>45956</b> <b>4.4 supp</b> <b>Survey NC</b>
CERTIFICATE	NUMBER: <b>48010</b>	<b>47811</b>	
IRRIGATION DISTRICT	ACRES: <b>1.4 Ac</b>	<b>3 Ac</b>	
DOMESTIC WATER	NUMBER: <b>prim</b>	<b>prim</b>	

COMMENTS

4-17-86

DM

The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above-described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon 97310 Attention: Butch Gehley, Operations Compliance Manager.

Attachments:

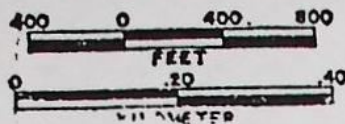
- ☒ Legal Descriptions
 ☒ Plat Maps
 ☐ Please return copy to ODVA
 ☐



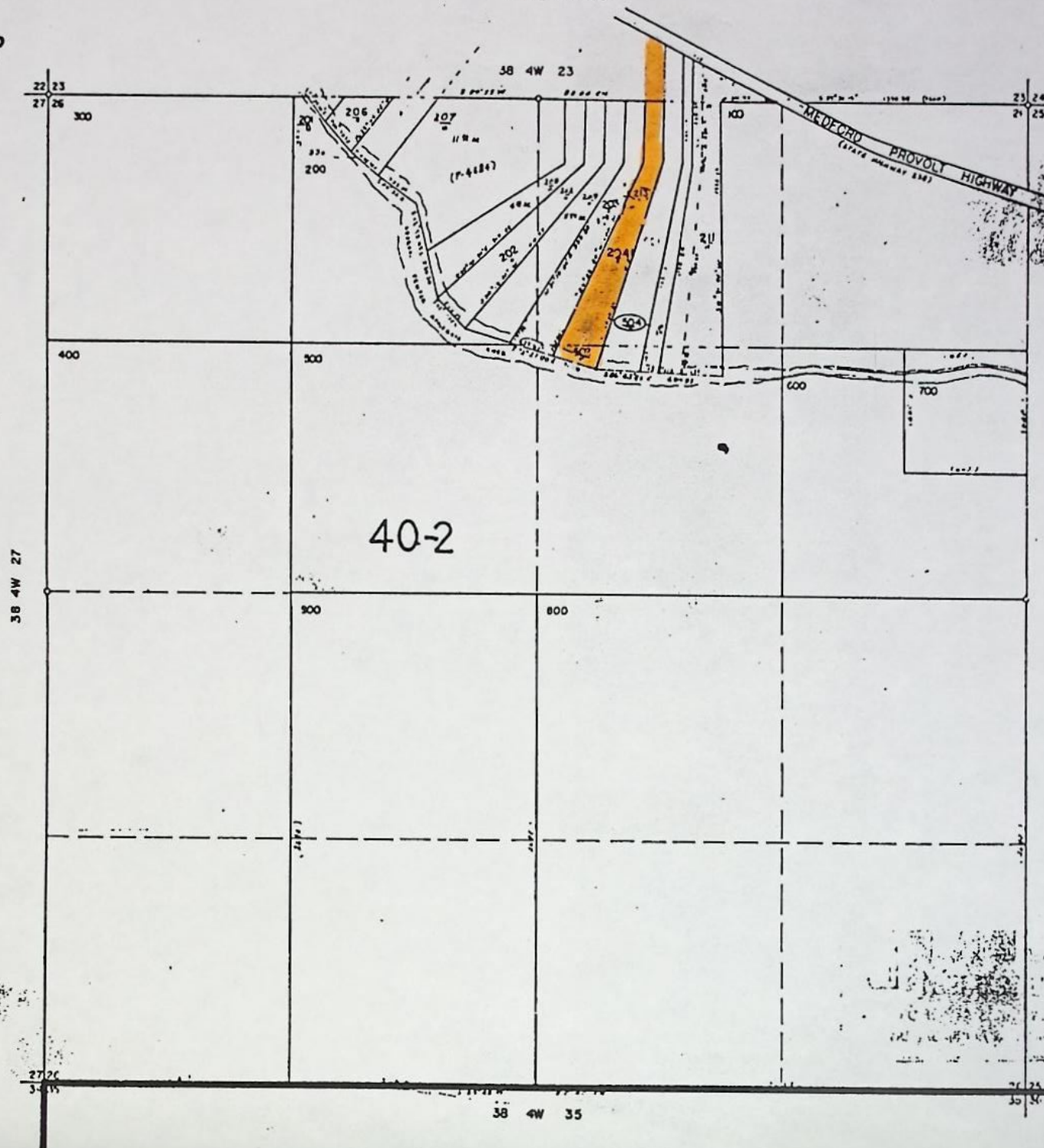
SCALE 1:9600.

Section 26 T. 38 S. R. 4W W.M.

38 4W 26



SCALE 1" = 400'





Joy C. Newman

EXHIBIT "A"

Commencing at a 5/8" iron pin at the intersection of the southerly boundary of Oregon Highway No. 238 and the northerly boundary of Section 26, in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon, which bears South 89°30'15" West 1390.88 feet distant from the northeast corner of said Section, thence North 61°46'30" West, along the southerly boundary of said Highway, 664.31 feet to a 5/8" iron pin for the true point of beginning; thence South 643.22 feet to a 5/8" iron pin; thence South 17°33'35" West 1019.06 feet to a 3/4" iron pin; thence continue South 17°33'35" West 150.00 feet to the center of the Applegate River; thence, along the river center, North 73°27'00" West 236.92 feet; thence North 24°22'20" East 147.83 feet to a 5/8" iron pin; thence continue North 24°22'20" East 1001.70 feet to a 5/8" iron pin; thence North 699.82 feet to a 5/8" iron pin on the southerly boundary of Oregon Highway No. 238; thence, along said boundary, South 61°46'30" East 119.68 feet to the true point of beginning.

(Code 40-1, Account #384W23, Tax Lot #1006)

(Code 40-1, Account #384W26, Tax Lots #204 and #502)

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MAR 22 1976

WATER RESOURCES DEPT.

SALEM, OREGON

T-3377



STATEMENT OF COMPLETION

Joy C. Newman  
T-3377

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. 3377 was accomplished by July 30, 1977.

January 17, 1978

Date

Joy C. Newman  
Signature

New address: ----- 13301 Hwy. 238, Jacksonville, OR  
----- 97530



Please send form for application for extension of time limit.

RECEIVED  
JAN 13 1978  
WATER RESOURCES DEPT  
SALEM, OREGON

OK Jnr



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

Notice is given hereby that Joy C. Newman has filed an application for the approval of a change in point of diversion of water from Applegate River.

Certificate of water right issued to Maud Kubli and recorded at Page 16238, Volume 13, State Record of Water Right Certificates, confirms a right to the use of water from Applegate River for the irrigation of, among other lands, 0.8 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 23, and 2.2 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 26, T. 38 S., R. 4 W., W.M., with a date of priority of 1866. Water for this use is diverted from a point located 2504.7 ft. S. and 3456.7 ft. W. from the NE corner of D.L.C. #39, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 30, T. 38 S., R. 3 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 1420 feet S. and 250 ft. E. from the N  $\frac{1}{4}$ -corner of Sec. 26, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 26, T. 38 S., R. 4 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on June 1, 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 Joy C. Newman, 12667 Highway 238, Jacksonville, Oregon 97530, 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 30th day of March, 1976.

JAMES E. SEXSON  
Director

RECEIVED

APR 28 1976

**Affidavit of Publication**

WATER RESOURCES DEPT  
SALEM, OREGON

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 / Newman, 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 April 5, 12, 19, 1976  
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sharon J. Morris

Subscribed and sworn to before me this 19th day of April, 19 76

James E. Sexson  
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 19 77



T-3377

RECEIVED

MAR 22 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Joy C. Newman  
(Name of applicant)

of 12667 Highway 238, Jacksonville,  
(Postoffice) County of Jackson

State of Oregon 97530, 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 Applegate 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 Fowler and Keeler (Kubli Ditch).

4. The point of diversion is located 2504.7 ft. S. and 3456.7 ft. W. from the NE  
(N. or S.) (E. or W.)

corner of DLC 39 being within the SE 1/4 SW 1/4  
(Section or subdivision)

of Section 30 Tp. 38 S. R. 3 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 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
38 S.	4 W.	26		2.2														
		23															0.8	

part of  
Tract 1  
0.07 cfs

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? 1866.

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

of permit none.



10. Do you hold a water right certificate? Yes If so, give number of certificate 16238  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?  
Yes If so, give title of proceedings Rogue River Decree (Page 23, Col. 1).  
(Yes or No)

12. Is the water right recorded in your name? No Maud Kubli  
(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 1420 ft. S. and 250 ft. E. from the N $\frac{1}{4}$   
(N. or S.) (E. or W.)  
corner of Sec. 26 being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26 Tp. 38 S. R. 4 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? Yes.

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.

.....  
.....  
.....



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

ss.

I, Joy C. Newman, 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 8 day of MARCH, 1976

Joy C. Newman  
(Name of applicant)

Subscribed and sworn to before me this 8 day of MARCH, 1976

[Notarial Seal]

John F. Cunningham  
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.