

## STATUS OF APPLICATION

Change in point & diversion  
 Date filed 4-9-76  
 Date of hearing 8-10-76  
 Place of hearing Medford  
 Date of order 3-7-77 Vol. 28, page 353  
 Date for application of water 10-1-78  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued APR 14 1983 Vol. 46, page 51532  
To Sur. 9/78 RR 42, P 48918

## DESCRIPTION OF WATER RIGHT

Name of stream Rogue River  
 Trib. of \_\_\_\_\_ County of Jackson  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch Gold Hill Irrigation District  
 Date of priority Oct. 16, 1916  
 In name of Gold Hill Irrigation District  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
Gold Hill I.D.  
 App. No. 5213 Per. No. 8888 Cert. No. 10956  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>4-9-76</u>	<u>35.00</u>	<u>52439</u>
<u>4-9-76</u>	<u>55.00 P.D.W.</u>	<u>52440</u>
TOTAL . . .	<u>2.00</u>	
<u>8-24-76</u>	Cert. Fee	<u>52440</u>

## FEES REFUNDED

Date	Amount	Check No.
<u>8-24-76</u>	<u>\$ 20.14</u>	<u>743</u>

## REMARKS

See Transfers 3186 & 3191 - same right involved  
Transfer 3442 provides for cancellation of cert.

CANCEL AUTHO REC'D 5-8-81 FOR PART OF RR CERT 48918 &  
PART OF THIS TRANSFER Cancelled Sp.Or.Rec.Vol. 34 P 544

Finis

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



Gibraltar Onion Skin  
MILLENS FALLS

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }  
OF GLENN BIRDSEYE FOR THE APPROVAL }  
OF A CHANGE IN POINT OF DIVERSION }  
OF WATER FROM ROGUE RIVER }  
-----

ORDER APPROVING  
TRANSFER NO. 3392

On April 9, 1976, Glenn, Victor and David Birdseye filed an application 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 issued to Gold Hill Irrigation District and recorded at Page 10956, Volume 10, State Record of Water Right Certificates, describes a right which includes the use of not to exceed 1.20 cubic feet per second from Rogue River for the irrigation of 3.7 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ . 0.1 acre in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.9 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 7.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 31.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 16.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 28.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27; and 7.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 34, Township 36 South, Range 4 West, W.M., with a date of priority of October 16, 1916.

These lands are irrigated by means of the Gold Hill Irrigation District Canal from a point of diversion located North 38 degrees East, 4900 feet from the Southwest corner of Section 11, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11, Township 36 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 1190 feet North and 130 feet West from the Southeast corner of Section 27, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27, Township 36 South, Range 4 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 June 15, 22 and 29, 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 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 1.20 cubic feet 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 or before October 1, 1978.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered October 29, 1976, approving transfer application No. 3442, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein, a certificate of water right shall be issued to the applicants herein con-



firming the change in point of diversion.

Dated at Salem, Oregon, this 7th day of March, 1977.

/s/ JAMES E. SEXSON  
Director

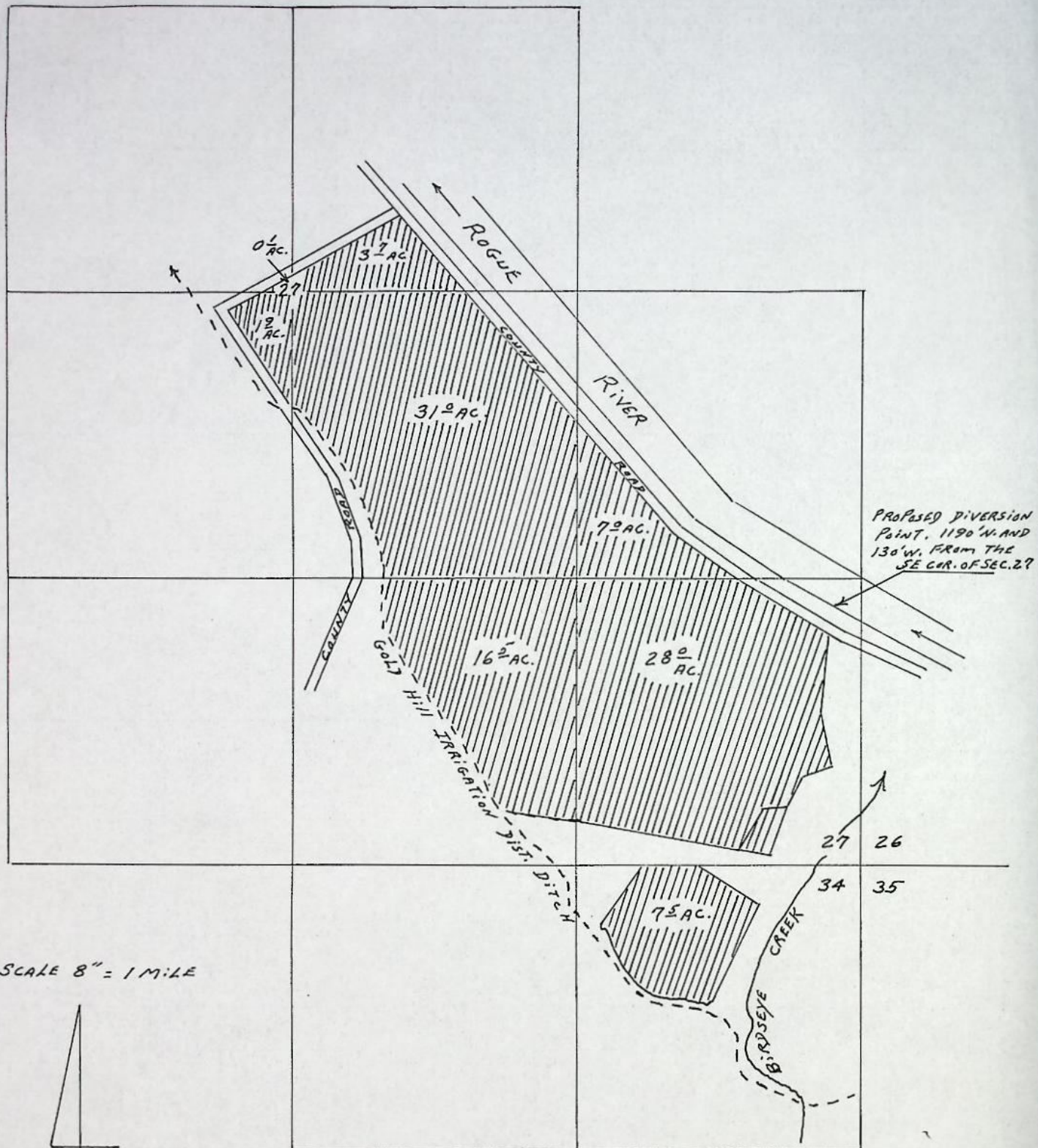
Gibraltar Union Skin

MILLERS FALLS

ALL COTTON



T. 36 S. R. 4 W. W. M.



MAP FOR GLENN, VICTOR AND DAVID BIRDSEYE SHOWING LANDS IRRIGATED FROM GOLD HILL IRRIGATION DITCH WITH PROPOSED DIVERSION POINT FROM ROGUE RIVER FOR CHANGE IN POINT OF DIVERSION

T # 3392



NE	NW	SW	SE			
----	----	----	----	--	--	--

NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
				Lot 1 Lot 5	Lot 2	Lot 3	Lot 7							
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT														
												INCHDATE		
												Deer, Vol 4 Page 40		
												1836	949	1794
												7751	4948	3464
												5189	8853	50650
												5213	8888	48918
												2374	1285	10956
												21370	16798	15352
												G-1591	G-1471	28816
												33661	26594	1
												Gr. Sp. Gr. 111	162	
												G-2075	G-1922	24221
												GR-2322	GR-3823	4

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 36 S RANGE 4 W W. M. Car & 110 SECTION 22

NE	NW	SW	SE			
----	----	----	----	--	--	--

[illegible]



# RECORD OF DESCRIPTIONS OF REAL PROPERTIES OFFICE OF COUNTY ASSESSOR, JACKSON COUNTY, OREGON

35-2  
35-3  
CODE NUMBER

21

TAX LOT NUMBER

SECTION

LOT

NO.

TOWNSHIP

BLOCK

NO.

RANGE

ADDITION

CITY

MAP NO. 27 36 4W

AERIAL PHOTO

INDENT EACH NEW  
COURSE TO THIS LINE

LEGAL DESCRIPTION

DEED RECORD

YEAR

VOLUME

PAGE

ACRES  
REMAINING

G. A. Birdseye, Mrs. C. S., Est.

Beginning at the Southeast corner of DLC 38 in Sec. 27 Twp. 36 South, Range 4 West of the WM in JCO; thence West along the South line of said Claim 3.78 chains to the Southeasterly line of tract described in Vol. 254 page 371 of the Deed Records of JCO; thence North 60° East along said line a distance of 3.05 chains to the Westerly meander line of Rogue River for the point of beginning; thence

Southeasterly along said meander line of Rogue River to the center line of Birdseye Creek; thence along the center line of said creek as follows:

South 4° 06' West 140 feet; thence  
South 37° 50' West 230 feet; thence  
South 35° 13' East 150 feet; thence  
South 12° 11' East 140 feet; thence  
South 27° 58' West 150 feet; thence  
South 15° 21' West 230 feet; thence  
South 13° 32' West 150 feet; thence  
North 88° 14' West 200 feet; thence

South 2° 08' West 20 feet, more or less, to the South line of Sec. 27 said Twp. and Range; thence

West on the South line of said Section 1955 feet more or less, to the Southeast corner of Government Lot 14 in said Section; thence

North along the East line of said lot 1320 feet to the Northeast corner of said Lot; thence

West on the North line of Lot 14, 293.7 feet to the Southwest corner of Lot 13; thence

North on the West line of Lot 13, 790 feet to the South line of DLC 41; thence

West on the South line of said DLC 41 366.3 feet to the most Westerly Southwest corner of DLC 41; thence

North along the DLC line 420 feet, more or less, to a point which is South 60° West 1244.1 feet from the point of beginning; thence

North 60° East 1244.1 feet to the point of beginning.

Less

1920 126 66

Prob. Jour

1917 27 243-5

1951 353 461

504.87

67.03612

RECEIVED

APR 9 1976

WATER RESOURCES DEPT  
SALEM, OREGON

(Written for tax lotting purposes only)

T-3392



304034-100  
**RECORD OF DESCRIPTIONS OF REAL PROPERTIES**  
 OFFICE OF COUNTY ASSESSOR, JACKSON COUNTY, OREGON

35-2  
 35-3  
 CODE NUMBER

TAX LOT NUMBER	SECTION <u>34</u>	TOWNSHIP <u>36</u> S	RANGE <u>1W</u> W.M.	MAP NO. <u>34 36 1W</u>	AERIAL PHOTO
LOT	BLOCK	ADDITION			CITY
NO.	NO.				

INDENT EACH NEW COURSE TO THIS LINE	LEGAL DESCRIPTION	DEED RECORD			ACRES REMAINING
		YEAR	VOLUME	PAGE	
G. & B. Birdseye, Mrs. C. S., Estate					
Beginning at the intersection of the West line of DLO #		1886	13	190	
41 in Sec. 34, Twp 36 South, Range 4 West of the W.M.,				Pro. Jour.	
JCO, with the North line of said Sec.; thence		1917	27	243-5	
South along the West line of DLO #41 to the South-		1951	353	161	
west corner of said Claim; thence					
East 2257.2 feet to the Southeast corner of said					
claim; thence					
North on the East line of said Claim 2405 feet to					
the Southwest corner of DLO #37; thence					
West 307 feet to the center of Birdseye Creek;					
thence					
North along the center of said Creek to the North					
line of Sec. 34; thence					
West 1940 feet, more or less to the point of					
beginning.					
	Less	1920	126	66	
(Written for Tax Lotting Purposes Only.)					

509/157  
 first on  
 27 38 74 21

**RECEIVED**  
 APR 9 1976  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

T-3392



POD

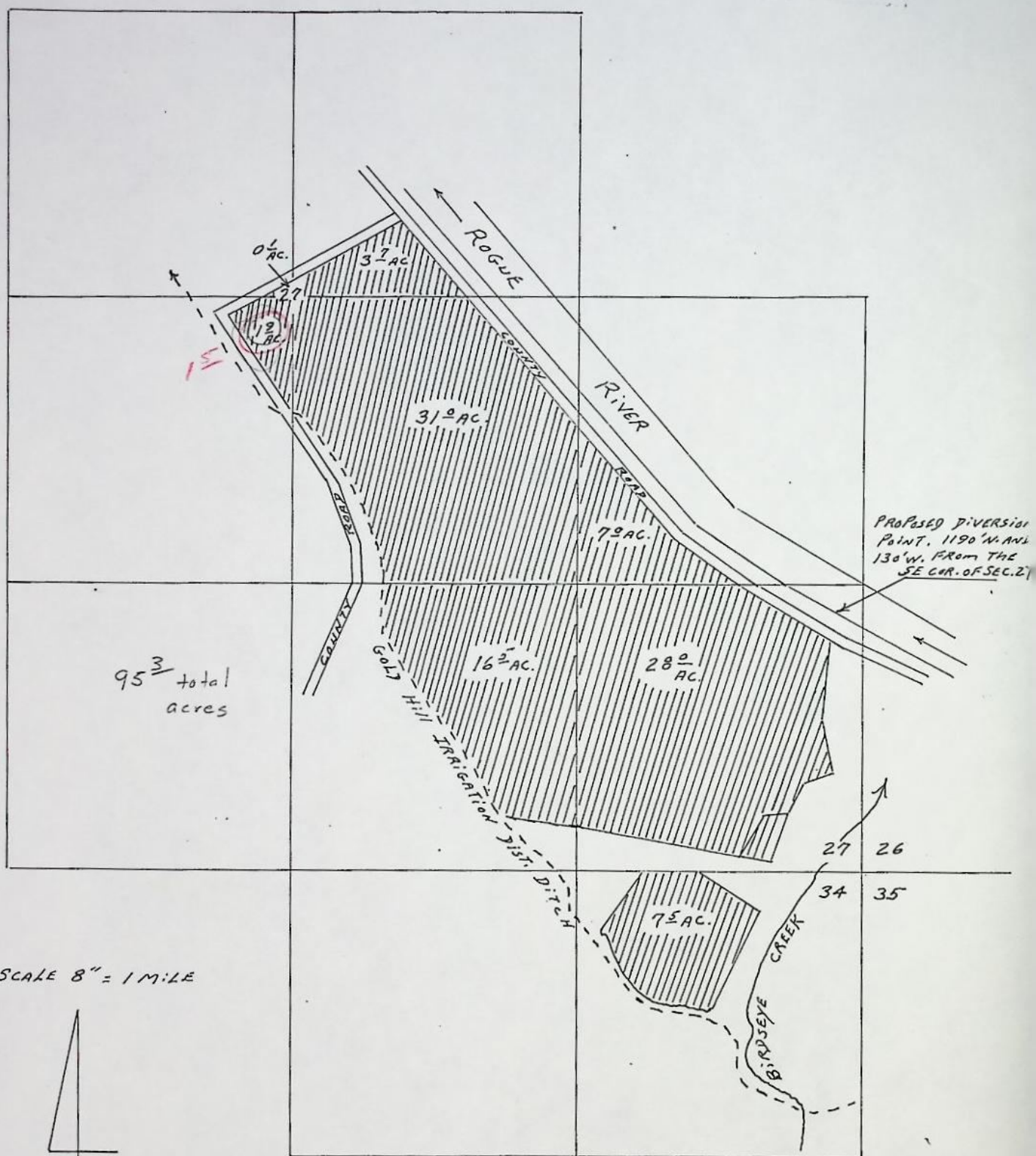
County Jackson

6. Place of Use C Date - 10-1-78

[illegible]



T. 36 S. R. 4 W. W. M.



SCALE 8" = 1 MILE



MAP FOR GLENN, VICTOR AND DAVID BIRDSEYE SHOWING LANDS  
IRRIGATED FROM GOLD HILL IRRIGATION DITCH WITH PROPOSED  
DIVERSION POINT FROM ROGUE RIVER FOR CHANGE IN POINT  
OF DIVERSION

T# 3392



FINAL PROOF OF  
SURFACE WATER IRRIGATION

APPLICATION No. TR-3392

PERMIT No. \_\_\_\_\_

INFO: NAMES: SAME

ADDRESS: \_\_\_\_\_

TALKED TO: SAME

SOURCES: ROGUE RIVER **NOTE: THIS IS AN OVERLAP OF 1855 WATER RIGHT B-209 SO PART OF THIS WILL BE SUPP'L IRRIGATION.**

SYSTEM: PUMP FROM ROGUE TO WHEEL LINE ON LOWER FIELD AND HAND LINE ON 7<sup>5</sup> ACRE PIECE USES BOOSTER PUMPS FOR MORE EFFICIENT

PUMP: MAKE: BERKELEY

TYPE: CENTR.

SUCTION SIZE: 5"

DISCHARGE SIZE: 4"

MODEL No.: \_\_\_\_\_

RATING: 850 TO 900 GPM

50psi

$$\textcircled{1} \frac{(6.6)(40)}{48' + 127^2} = 1.5 \text{ cfs.}$$

$$\textcircled{2} \frac{(6.6)(7.5)}{0 + 127^2} = 0.4 \text{ cfs.}$$

$$\textcircled{3} \frac{(6.6)(10)}{0 + 127^2} = 0.5 \text{ cfs.}$$

MOTOR: MAKE: CENTURY ①

TYPE: ELEC

HP: 40

RPM: 1765

ELEC ②

7 1/2 HP @ 3450  
2" x 2"

ELEC ③

10 HP @ 3500  
2" x 2 1/2"  
6000 GPM

CONNECTED DIRECT OR PULLEYS: \_\_\_\_\_

SPRINKLER SYSTEM: BURIED MAINLINE WHEEL LINE PORTABLE ALUM

MAINLINE: No. FEET: 100' 1000' 5000'

SIZE: 10" 8" 6"

TYPE: STEEL PVC PVC

LATERALS: No. FEET: 2700' 1440' \_\_\_\_\_

SIZE: 4" 3" \_\_\_\_\_

TYPE: ALUM ALUM \_\_\_\_\_

SPRINKLERS: No. HEADS: 90 36 \_\_\_\_\_

MAKE: RB RB \_\_\_\_\_

MODEL #: 30 30 \_\_\_\_\_

NOZZLE SIZES: 7/32" x 3/16" 5/32" x 3/16" \_\_\_\_\_

MAXIMUM: 90 20 SAME TIME

IN OPERATION: MEAN PRESSURE: \_\_\_\_\_

No. OF HEADS: \_\_\_\_\_

LIFT: SUCTION: 8'

DISCHARGE: 40'

USE: PASTURE, HAY, WHEAT

DIVERSION: DIRECT

STRUCTURE: \_\_\_\_\_

TIE: MONUMENTS: SAME

SURVEYED ON: B50-10-3

Bruce R. Lund

FIELD ENGINEER

DATE: 7-15-80



RECEIVED

APR 9 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Glenn Birdseye, Victor Birdseye and David Birdseye

(Name of applicant)

of 3793 Rogue River Hwy., Gold Hill, County of Jackson

(Postoffice)

State of Oregon 97525, 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 Gold Hill Irrigation District Canal.N. 38° E. 4900 feet4. The point of diversion is located        ft.        and        ft.        from the SW

(N. or S.)

(E. or W.)

corner of Section 11 being within the NW¼ NE¼

(Section or subdivision)

of Section 11 Tp. 36 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			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
36 S	4 W.	27			3.7				0.1	1.9					7	31	165	289
		34	75	21.9	1												22	39

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

957 ac

1.20 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? lt. May 28, 1976 2d  
Sept. 29 and Oct. 16, 1916.9. Was your water right acquired by State Engineer's Permit? Yes. If so, give number

(Yes or No)

of permit 8888.



10. Do you hold a water right certificate? Yes If so, give number of certificate 10956  
(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, Gold Hill Irrigation District  
(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 1190 ft. N and 130 ft. W from the SE  
(N. or S.) (E. or W.)  
corner of Sec. 27 being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27 Tp. 36 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 pumping plant.

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 see remarks section



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

ss.

We, Glenn C. Birdseye, Victor F. Birdseye and David N. Birdseye, 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 1st day of April, 1976

Glenn C. Birdseye

Victor F. Birdseye  
(Name of applicant)

Subscribed and sworn to before me this 1st day of April, 1976

[Notarial Seal]

Cheryl J. Mills  
NOTARY PUBLIC FOR OREGON

My commission expires 7-25-78

Remarks The manner of delivery of water has become unsatisfactory and the availability of water, as a result, has become uncertain and unpredictable.

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.

STATE OF OREGON, County of Douglas )

March 29, 1976.

Personally appeared the above named David N. Birdseye, and acknowledged the foregoing instrument to be his voluntary act and deed.

BEFORE ME:

David N. Birdseye  
Notary Public for Oregon  
My commission expires:

Subscribed and sworn to before me this 29th day of March 1976.

Avery J. Clark  
NOTARY State of Oregon  
My Commission Expires Aug. 28, 1979

T-3392



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF CANCELLATION )  
OF A PORTION OF A WATER RIGHT )  
IN THE NAME OF GOLD HILL )  
IRRIGATION DISTRICT )  
-----

O R D E R

On May 8, 1981, Glenn C. Birdseye and Victor F. Birdseye submitted an affidavit that they are the owners of certain water rights and the lands to which the water rights are appurtenant; that they have abandoned any and all interest in and to the said water rights and request the same be canceled.

The water rights in question are portions of the rights described by the certificate recorded at page 48918, Volume 42, State Record of Water Right Certificates, in the name of Gold Hill Irrigation District, for the use of not to exceed 0.399 cubic foot per second of water from Rogue River, with a date of priority of October 16, 1916, for irrigation of 5.5 acres in SW 1/4 SE 1/4 and 11.0 acres in SE 1/4 SE 1/4, Section 27; 14.4 acres in NE 1/4 NE 1/4 and 1.0 acre in NW 1/4 NE 1/4 of Section 34, all in Township 36 South, Range 4 West, WM, and of the order dated March 7, 1977 approving Transfer 3392 and entered at page 353, Volume 28, Special Order Record, for the use of 0.006 cubic foot per second from Rogue River for irrigation of 0.1 acre in SE 1/4 NW 1/4 and 0.4 acre in NE 1/4 SW 1/4, Section 27, Township 36 South, Range 4 West, WM, with a date of priority of October 16, 1916.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

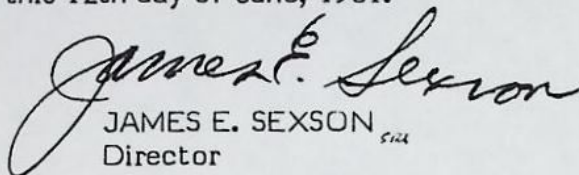
NOW, THEREFORE, it hereby is ORDERED that the said water rights, being portions of the right described by the certificate recorded at page 48918, Volume 42, State Record of Water Right Certificates, and the right described by the Special Order entered at page 353, Volume 28, are canceled.

It is FURTHER ORDERED that the said certificate of water right is canceled, and in lieu thereof a new certificate be issued to describe the balance of the water right NOT involved in this proceeding.



It is FURTHER ORDERED that the portion of the right involved in the cancellation authorized herein NOT be included in the confirming certificate to be issued as provided by the order entered March 7, 1977, approving Transfer Application 3392.

Dated at Salem, Oregon, this 12th day of June, 1981.

  
JAMES E. SEXSON  
Director



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

Notice is given hereby that Glenn, Victor and David Birdseye have filed an application for the approval of a change in point of diversion of water from Rogue River.

Certificate of water right issued to Gold Hill Irrigation District and recorded at Page 10956, Vol. 10, State Record of Water Right Certificates, confirms a right to the use of 6.25 cubic feet per second from Rogue River for the irrigation of, among other lands, 3.7 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.1 acre in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.9 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 7.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 31.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 22.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 39.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 27, 21.9 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 1.0 acre in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 34, T. 36 S., R. 4 W., W.M., with a date of priority of Oct. 16, 1916.

These lands are irrigated by means of the Gold Hill Irrigation District Canal from a point of diversion located N. 38° E. 4900 ft. from the SW corner of Sec. 11, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 11, T. 36 S., R. 3 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 1190 ft. N. and 130 ft. W. from the SE corner of Sec. 27, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 27, T. 36 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 August 10, 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 Glenn, Victor and David Birdseye, 3793 Rogue River Highway, Gold Hill, Oregon 97525, 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 2nd day of June, 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 / Birdseye, 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 June 15, 22, 29, 1976  
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sharon J. Morris

Subscribed and sworn to before me this 29th day of June, 19 76

James J. Osborn  
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 19 77





## WATER RESOURCES DEPARTMENT

JACKSON COUNTY COURTHOUSE • MEDFORD, OR • 97501 • Phone 773-6211  
June 3, 1976

ROBERT W. STRAUB  
GOVERNOR

JAMES E. SEXSON  
Director

WATER POLICY REVIEW  
BOARD

EMERY N. CASTLE  
Chairman  
Corvallis

CHAPIN D. CLARK  
Vice Chairman  
Eugene

GEORGE H. PROCTOR  
Klamath Falls

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Portland

RICHARD ROY  
Portland

JAMES HILL  
Arch Cape

JEAN FROST  
Portland

Re: T-3392

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

Attention: Mr. Wayne J. Overcash,  
Water Rights Engineer

Dear Mr. Overcash:

With reference to your letter of June 2, 1976, concerning Transfer No. T-3392 in the names of Glenn, Victor, and David Birdseye, for a change in point of diversion of water from Rogue River.

It is my opinion that this proposed change in point of diversion can be made without injury to existing rights even though I realize that this will in some respect reduce the volume of water in the main canal of the Gold Hill Irrigation District; also I believe that 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, Dist. 13

DCH:pg

**RECEIVED**

JUN - 7 1976

WATER RESOURCES DEPT  
SALEM, OREGON



RECEIVED  
MAY 28 1976  
WATER RESOURCES DEPT  
SALEM, OREGON

Re: Permit 8888

To: Mr. James E. Sexson, Director  
Water Resources Department  
1178 Chemeketa Street, N.E.  
Salem, Oregon 97310

Attention: Mr. Wayne J. Overcash,  
Water Rights Division

Dear Sir:

(I) or (We) accept Oct. 16, 1976 as  
priority date to be used on our Transfer  
Application No. T-3392.

Very truly yours,

Glenn C. Birdseye  
Victor F. Birdseye

Date May 27, 1976



RECEIVED

MAR - 2 1977

WATER RESOURCES DEPT  
SALEM, OREGON

3793 Rogue River Hwy  
Gold Hill, Oregon 97525  
March 1, 1977

Mr. James E. Sexson, Director  
Water Resources Department  
1178 Chemeketa Street N.E.  
Salem, OR 97310

Attn.: James W. Carver, Jr.

Gentlemen:

In June of 1976, I filed an application for a change of point of diversion of water from the Rogue River, and this has been identified as "Transfer No. 3392." Thereafter publication of notice was made in the Medford Mail Tribune, in accordance with law, and a hearing was set for August 10, 1976 at 9:30 A.M.

Since no objections were filed within 10 days prior to the date of the hearing, the hearing was actually not held. In support of the testimony which I would have presented had the hearing been held, I have now enclosed the following:

- (1) Affidavits of the following persons who are personally familiar with the application of water upon my property:

Norman C. Mills; Ed Martin; Newton J. Elder;  
Hubert M. Smith; Thomas C. Boone; Howard G.  
Stevenson; Jack W. Gillaspey, Jr.; R. D.  
Gallaher, Candace Gail Bennett, and myself.

- (2) A copy of various calendar pages which were in my possession and which reflect the dates upon which I made certain beneficial applications of water.

- (3) A letter dated February 18, 1977 from John A. Yungen, Associate Professor of Agronomy, Oregon State University, Southern Oregon Experimental Station, 569 Hanley Road, Medford, Oregon, and in which an explanation is made of the soil characteristics on my property, and how these soils may be best utilized with the application of water.



- (4) A letter dated February 10, 1977, from Earle Jossy, Area Extension Agent, Oegon State University, 1301 Maple Grove Drive, Medford, Oregon, and in which a differentiation is made between the productiveness of my property with and without the application of water.
- (5) A letter dated February 15, 1977 from Laurene Hopper, Planner, Jackson County Department of Planning and Development, in which an explanation is made of the current zoning of my property.
- (6) A copy of a personal property return filed with the Jackson County Assessor's Office and which describes therein a pump and pipe purchased by myself in 1965, and which is indicative of my long standing and continuous intent to pump water from the Rogue River.
- (7) A map depicting lands irrigated from the Gold Hill Irrigation Ditch with the "proposed diversion point from the Rogue River for change in point of diversion."

My family has been continuously farming our lands for 125 years. We wish to continue to maintain the property as a family farm, however, because of increasing costs imposed upon the property it cannot be operated as a dry land farm. I have 100 head of cattle which must be grazed upon the property as there would appear to be no other range available for them in this year of drought. In addition, we will have to grow feed for this coming winter.

The information which I have enclosed describes our efforts to apply water, the need which we have for water, how the land will be benefited by the application of water. It is for all of these reasons that I ask that a determination now be made upon our application which was designated as Transfer No.3392.

If you should need any additional information or have any inquiry whatsoever, would you please communicate with me, and your assistance in this matter is appreciated.

Yours very truly,

*Glenn C. Birdseye*

Glenn C. Birdseye

encls





STATE OF OREGON

INTEROFFICE MEMO

TO: Transfer File No. 3392

DATE: September 15, 1976

FROM: James W. Carver, Jr.

SUBJECT: Water Rights under transfer

Mr. Glenn Birdseye was in the office on September 15, 1976 to discuss the status of water rights involved in his transfer No. 3392. Mr. Birdseye stated that his property as described in the transfer application is not a part of the Gold Hill Irrigation District and there have not been assessments against the land by the Gold Hill Irrigation District.

Mr. Birdseye stated that varying portions of the land have been irrigated by Rogue River water through the Gold Hill Irrigation District system; that in years past he has bought water on a surplus water basis for use, and in more recent years constructed at his own expense a spill from the District lateral and that surplus water coming through the spill he has put to use without charge from the District.

With reference to a possible question as to the validity of the Gold Hill Irrigation District Water Right as regards his land, Mr. Birdseye will contact his attorney, Robert Heffernan, Jr. and ask him to contact the firm of Van Dyke and DuBay of Medford, Oregon to resolve the question and advise us accordingly.

Mr. Birdseye also wanted to know with regard to the 1855 water right for a portion of his land (being the subject of transfer No. B-209) what would be necessary to retransfer a portion of the 1855 water right to lands further up Birdseye Creek and continue to irrigate the lands from which the water right would be transferred with water from the Rogue River under the Gold Hill Irrigation District 1916 right. Mr. Birdseye was advised that if two water rights exist simultaneously for the same tract of land, and if one of the water rights is transferred away, the other water right would have to go along with it or be cleared from the records., leaving the tract of land without a water right.



Tr # 3392

ROBERT D. HEFFERNAN, JR.  
WILLIAM H. FOWLER

HEFFERNAN & FOWLER  
ATTORNEYS AT LAW  
705 WEST TENTH STREET  
P. O. BOX 1746  
MEDFORD, OREGON 97501

AREA CODE 503  
TELEPHONE 779-4075  
116+

August 17, 1976

RECEIVED

AUG 18 1976

WATER RESOURCES DEPT  
SALEM, OREGON

Mr. James E. Sexson, Director  
Water Resources Department  
1178 Chemeketa Street, N. E.  
Salem, OR 97310

Re: Glenn Birdseye, et al

Dear Mr. Sexson:

On April 7, 1976 Mr. Glenn Birdseye and his two brothers filed an "Application for Transfer of Water Right" and in regard to this application, August 10, 1976 was the time which was set for hearing in Medford. Since no objections were filed the hearing was not held.

On September 4, 1969, the Hon. James M. Main, Circuit Judge of the State of Oregon for Jackson County, entered an Order correcting the Rogue River Decree of April 26, 1919 insofar as the same adjudicated certain water rights then vested in Clara S. Birdseye, and which rights have now been succeeded to by Glenn Birdseye and his two brothers. I have enclosed a copy of this Order for your reference.

It is my understanding that there may be some overlapping between the respective rights, and Mr. David Hendrix, our water master, has suggested that this matter might best be resolved through a meeting at your office.

It would be appreciated if you would advise me of a time when Mr. Birdseye might meet with a member of your staff.

It is my understanding that an inspection has not been made of Mr. Birdseye's beneficial application on the premises described in the Decree of September 4, 1969, and it is suggested that a determination on the recently filed "Application for Transfer of Water Right" be held in abeyance until after Mr. Birdseye has had an opportunity to meet with you.

Yours very truly

*Robert D. Heffernan*

ROBERT D. HEFFERNAN, JR.

RDH/gcs

encl

cc: Glenn Birdseye

Ph 8-19-76

Heffernan out to Men 8/23/76 JWC

Phoned Heffernan 9am 8/23/76

Agreed on appointment for Mr Birdseye at 9 am 9/15/76 in Salem.

JWC



September 7, 1976

Van Dyke and DuBay  
Attorneys at Law  
110 East Sixth Street  
Medford, OR 97501

ATTENTION: Patrick G. Huycke

Dear Mr. Huycke:

With reference to your letter of March 17, 1976 and our recent telephone discussion, I am enclosing copies of some materials found in the Gold Hill Irrigation District file relative to the Birdseye property and also copies of maps showing the described boundary limits of the Gold Hill Irrigation District.

The enclosed material does not clearly show whether the Birdseye property was included in the Gold Hill Irrigation District.

Also, as mentioned in our discussion, a Mr. C.M. Thomas of Medford, Oregon wrote to this office in October 1916 and stated in the first two paragraphs of his letter:

"The writer has been consulted by a committee from the Farmers Club at Gold Hill, Oregon of which club Mr. George B. Alden is president. Petitions are now out and being circulated for the formation of an Irrigation District comprising certain territory on the south bank of the Rogue River across from the town of Gold Hill. The district to comprise about 1,200 acres.

I have been retained as counselor for the proposed district and am desirous of acting with your office and keeping in touch with you in regard to all movements in connection with this development."



-2-

If either the records of Mr. Thomas or the county court are available for the years of 1916 through 1918 perhaps they will shed some light on the question. If we can be of further assistance, please let us know.

Sincerely,

James W. Carver, Jr.  
Engineer

JWC:cc



LAW OFFICES OF  
**VAN DYKE & DUBAY**

FRANK J. VAN DYKE  
JOHN L. DUBAY  
PATRICK G. HUYCKE

March 17, 1976

110 EAST SIXTH STREET  
MEDFORD, OREGON 97501  
(503) 779-8181  
116+

Water Resources Department  
State of Oregon  
Office of the State Engineer  
Salem, OR 97310

**RECEIVED**  
MAR 19 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON

Re: Gold Hill Irrigation District

Gentlemen:

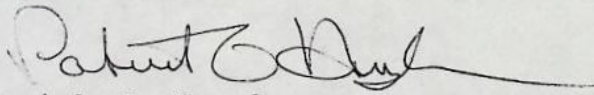
This office has been working with the Gold Hill Irrigation District in regard to a discrepancy contained in its water rights certificate. In 1918 the Gold Hill Irrigation District was formed. During this formation period the Birdseye family, which owns property within the boundary limits of the irrigation district, excluded themselves so they were never made a part of the District. However the water right permit which was later perfected into a Certificate, contained a description of property which includes the Birdseye property. Upon the perfection of this water permit I believe that no new survey was undertaken by the State Engineer's Office which resulted in the Certificate containing an error in the description of property to which water is applied.

In 1968 the District undertook to survey the property to which it was applying water to beneficial use. The Birdseye property is not included and we feel a clerical error was made in this respect.

In the early 1900's the District failed to maintain adequate records and so we have little documentary evidence of the events which occurred prior to 1928. The purpose in writing you is to request any information you may have on this subject as we would like to determine the possibility of reformation of the water right's certificate to reflect this clerical error.

Would you please communicate with me in this regard.

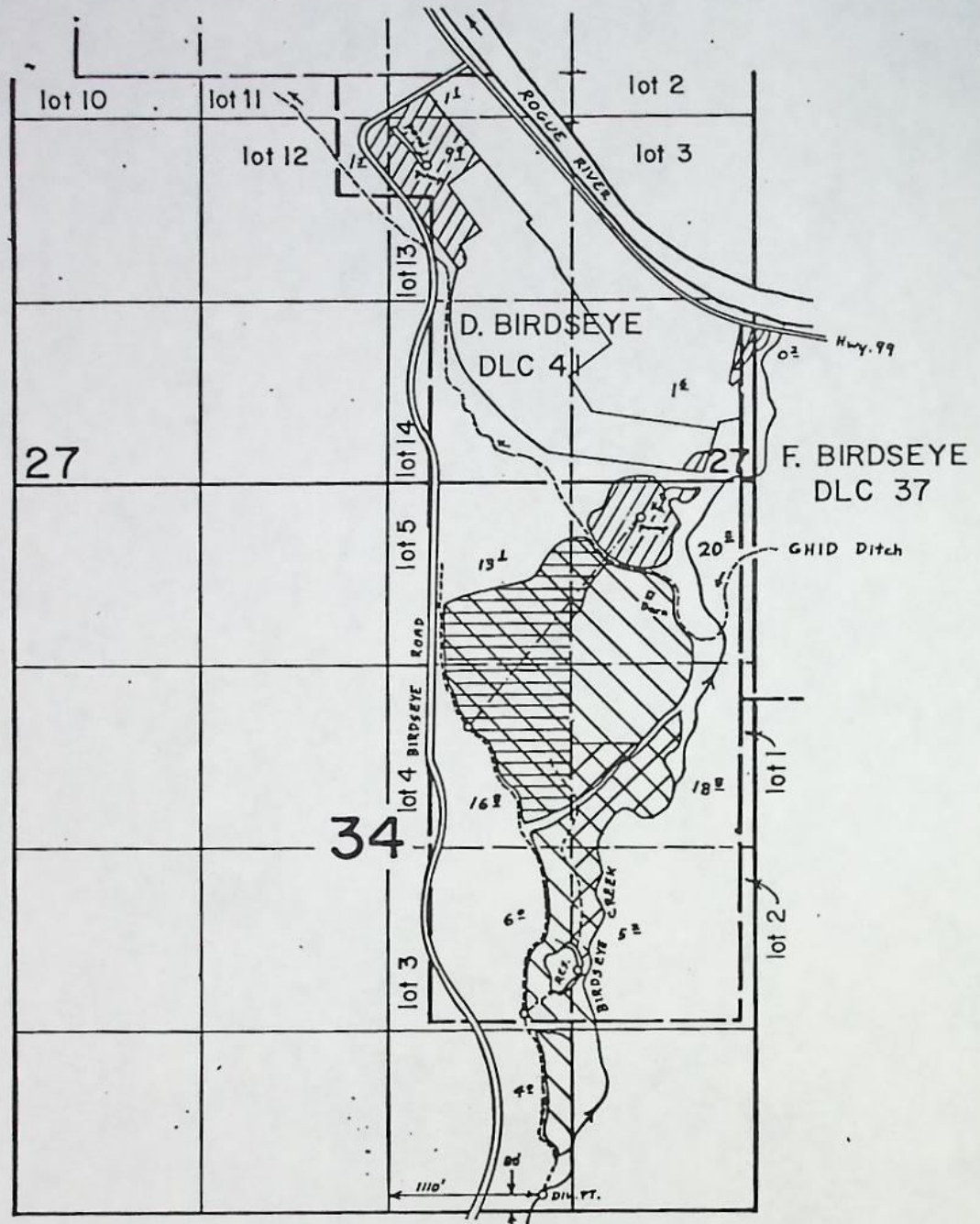
Very truly yours,

  
Patrick G. Huycke

da



T.36S., R.4 W., W.M.



Scale 4" = 1 mile

# FINAL PROOF SURVEY

UNDER

Transfer no. B-209 &

46626 34894

R-51696 R-6249

Application No. 51697... Permit No. 38833.....

IN NAME OF

.....GLENN C. BIRDSEYE.....

Surveyed July 15, 1980, by B.R. SUND.....

Tr. no. B-209

46626

46626 - July 1.

51697 supp'l.



Glenn Birdseye

Application No. 48992

Permit No. 36679

Priority - Feb. 11, 1972

144

RECEIVED  
FEB 11 1972

STATE ENGINEER  
SALEM, OREGON

Find in Birdseye Cr. & Misc.

Vol. 5-A

T.36S. R.4W.W.M.

27

34

34

2726  
3435

3435  
3 2

Birdseye

Creek

Map to accompany application  
in the name of Glenn Birdseye  
for stock

Scale 4" = 1 mile

Application No. 48992

Permit No. 36679



RECEIVED

MAR - 2 1977

WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON     )  
                              ) ss.  
County of Jackson )

I, Norman C. Mills of 1280 Rogue River Highway, Gold Hill, Oregon, being first duly sworn on oath, depose and say:

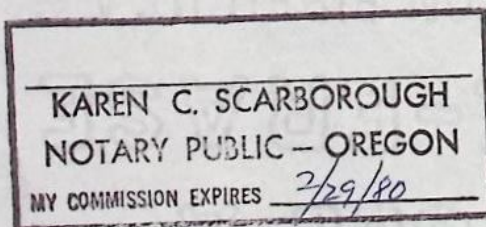
In 1974 I was the representative of a group of home owners within the Gold Hill Irrigation District. This group was dissatisfied with being in the District and wanted to withdraw from same. On June 4, 1974, our attorney, Steven Swartsley and I met with the Gold Hill Irrigation District Board, to present the proposition that our amount of inclusion in said district be transferred to the Birdseye farm. Our request was refused by the District. During this meeting, John Jaksch, a member of the Board did oppose very strongly any more water being delivered below Footh Creek. He said they would not or could not do such a thing.

On another occasion I did hear Bertha Coy Ross, Secretary of the Gold Hill Irrigation District state that the District could not or would not deliver any additional water below Footh Creek.

Norman C. Mills  
Norman C. Mills

SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of February, 1977.

Karen C. Scarborough  
Notary Public for Oregon  
My Commission Expires: 2/29/80





EVCFE-V

RECEIVED

MAR - 8 1977

WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON     )  
                              )ss.  
County of Jackson )

I, Ed Martin, being first duly sworn on oath, depose and say:

That I live below Glenn Birdseye and have sixty four (64) (plus) acres under the ditch.

In about 1955, Glenn Birdseye tried to get some water from the Gold Hill Irrigation District for his farm. With my farm below Glenn's farm I opposed the District ever trying to let water go to Glenn's place. We had already been short of water other years and our ditch and flumes down at our end could carry just so much water, and I was opposed to any more ground going under the ditch.

There had been a spillway from the Gold Hill Irrigation Ditch that dumped surplus water on Glenn's place. When we would have a June shower or any month we would have a shower, everybody would slow down using water, then there would be some dump out the spillway onto Glenn's place.

I served on the Gold Hill Irrigation District Board for six (6) years, from 1964 to 1970. I live at 4603 Rogue River Highway, Gold Hill, Oregon.

I know that over the years Glenn has been trying and working toward getting his place under irrigation. As a farmer myself I know that if Glenn is to keep his place as a farm, his only hope is to get it under irrigation, (if he doesn't, he won't be able to afford farming it, because of all the high cost of operation.

22% COTTON FIBER 024

LABE-EVVE



I don't know anything about the water rights, but I am sure the effort Glenn has put forth to apply water to his lower fields, that he should be allowed to have the water from a pumping permit; if the Gold Hill Irrigation District's permit is going to be reduced by the amount that is allowed for Birdseye farm. That is even if Glenn doesn't get a pumping permit the Gold Hill Irrigation District permit will be reduced by this amount.

Ed Martin  
Ed Martin

SUBSCRIBED AND SWORN to before me this 11th day of  
February, 1977.

Cheryl J. Bertrand  
Notary Public for Oregon  
My Commission Expires: 12-28-80



RECEIVED

MAR - 8 1977

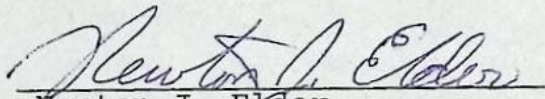
WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON     )  
                          ) ss.  
County of Jackson)

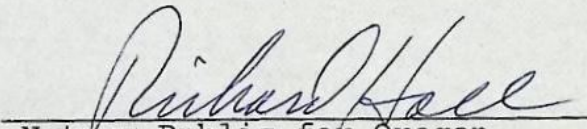
I, Newton J. Elder of 4255 Footh Creek Road, Gold Hill,  
Oregon, being first duly sworn on oath, depose and say:

When I was working on the Birdseye farm in the latter part  
of the summer of 1968, I became aware of the fact that there was a  
spillway located in the Gold Hill Irrigation District canal at the  
Birdseye farm. Once while passing by this spillway I observed a  
substantial amount of water flowing over it and down to the Birdseye  
property.

I have worked on this place in later years and have observed  
that since 1973 there is no longer a spillway at this location.

  
Newton J. Elder

SUBSCRIBED AND SWORN to before me this 15 day of  
February, 1977.

  
Notary Public for Oregon  
My Commission Expires: 6-24-78



RECEIVED

MAR - 2 1977

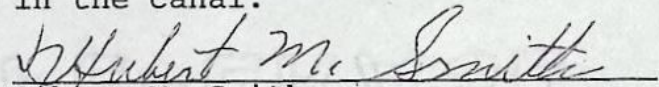
WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON     )  
                          ) ss.  
County of Jackson )

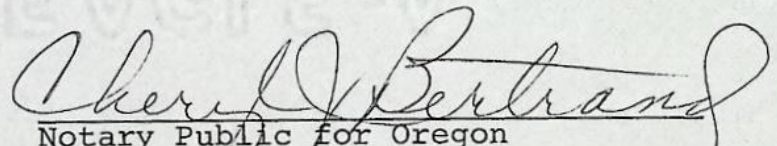
I, Hubert M. Smith of 807 Broadway, Rogue River, Oregon,  
being first duly sworn on oath, depose and say:

I worked on the Gold Hill Irrigation District part of  
the 1960 irrigation season, as the ditch rider.

During this period of time I observed several times that  
when the canal had a surplus amount of water in it, a substantial amount  
of water was passing over a spillway located in the Gold Hill Irrigation  
District canal at the Birdseye farm. The water from the spillway went to a  
small reservoir from which Glenn Birdseye could irrigate the fields  
below. The spillway is no longer in the canal.

  
Hubert M. Smith

SUBSCRIBED AND SWORN to before me this 11th day of  
February, 1977.

  
Notary Public for Oregon  
My Commission Expires: 12-28-80



RECEIVED

MAR-2 1977

WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON        }  
County of Jackson    )

ss.

AFFIDAVIT

I, Thomas C. Boone, 782 Foots Creek Road, Gold Hill,  
Oregon, being first duly sworn on oath, depose and say:

At the time that the Gold Hill Irrigation District  
discontinued selling water to the Birdseye farm, I, as a ditch-  
rider, found no problems to deliver the water. Glenn Birdseye  
had given me no problems of following the rules for use of same.

Thomas C. Boone

Subscribed and sworn to before me this 24th day of February, 1977.

Cheryl J. Bertrand

Notary Public for Oregon

My commission expires: 12-28-80



RECEIVED  
MAR - 2 1977  
WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON     )  
                          ) ss.  
County of Jackson )

AFFIDAVIT

I, Howard G. Stevenson, after first being duly sworn,  
depose and say:

That I am 69 years of age and for 30 years was employed  
upon the "Birdseye Ranch" and did all of the irrigating on such  
premises between the years of 1947 through 1954. During most of  
this period of time water was applied from the facility maintained  
by the Gold Hill Irrigation District.

I know of my own personal knowledge that following 1954 a  
substantial flow of water came over a spillway which was then  
located on a canal owned by the District and that this water  
was used to irrigate Birdseye property in the fields below the  
canal and was likewise pumped and applied to lands on a "bench"  
just below the ditch. The last application to this particular  
portion of the Birdseye property of which I am familiar was in  
the year 1973.

The spillway to which I have referred has now been removed  
and as a result can no longer be used.

Howard G. Stevenson

subscribed and sworn to before me this 3 day of October, 1975

Sarahy E. McDuck

Notary Public for Oregon

My commission expires: 5-18-76



STATE OF OREGON     )  
                              )ss.  
County of Jackson )

RECEIVED  
MAR 2 1977  
WATER RESOURCES DEPT  
SALEM, OREGON

I, Jack W. Gillaspey, Jr., of 3037 Linden Lane, Central Point, Oregon, being first duly sworn on oath, depose and say:

While working on the Birdseye farm in the summer of 1973, I once observed a substantial amount of water flowing over a spillway located in the Gold Hill Irrigation District canal. This water was flowing down to the Birdseye fields below, where I saw Glenn Birdseye irrigating with it.

Jack W. Gillaspey, Jr.  
Jack W. Gillaspey, Jr.

SUBSCRIBED AND SWORN to before me this 11 day of  
February, 1977.

Cecilia Ann Wheeler  
Notary Public for Oregon  
My Commission Expires: 1/31/78



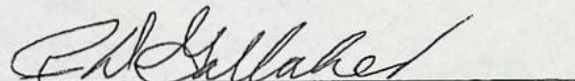
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MAR - 2 1977  
WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON     )  
                              ) ss.  
County of Jackson )

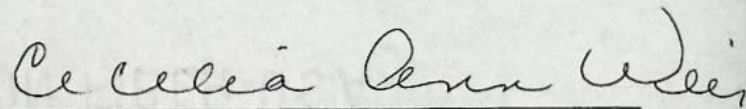
I, R.D. Gallaher, of Rt. 2, Box 5, Jacksonville, Oregon,  
being first duly sworn on oath, depose and say:

While working on the Birdseye farm in the summer of 1973, I  
once observed a substantial amount of water flowing over a spillway  
located in the Gold Hill Irrigation District canal at the Birdseye  
farm. This water was flowing down to the Birdseye fields below,  
where I saw Glenn Birdseye irrigating with it.

Early in the summer of 1973 I dug a hole with a backhoe,  
(hole size about 6X6X5 feet) by the lower third of Birdseye field,  
about one third of width of field back from the highway. This hole  
was in the bottom of a natural drain that came down field from ditches  
above. Glenn Birdseye said he planned to let water down from above  
in the field, to fill this hole; then pump water from the hole to  
sprinkle irrigate higher ground by the highway.

  
R. D. Gallaher

SUBSCRIBED AND SWORN to before me this 10 day of  
February, 1977.

  
Notary Public for Oregon  
My Commission Expires: 1/31/78



RECEIVED

MAR - 8 1977

WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON     )  
                              )ss.  
County of Umatilla)

I, Candace Gail Bennett of 808½ N. W. 4th Street, Pendleton, Oregon, being first duly sworn on oath, depose and say:

During August of 1971 , I went horseback riding many times on the Birdseye farm. Several times while riding I passed by a spillway located in the Gold Hill Irrigation District canal, that let water flow to the Birdseye property below. Most of the time when passing by this spillway I observed considerable water passing over it. Once when passing by there, I observed Glenn Birdseye measure the spillway, which was six (6) feet wide. I also say him measure the depth of the water flowing over said spillway, which was 1½ inches deep.

Candace Gail Bennett  
Candace Gail Bennett  
Candace Gail Bennett

SUBSCRIBED AND SWORN to before me this 22 day of  
February, 1977.

Denna Myers  
Notary Public for Oregon  
My Commission Expires: 2-24-78



RECEIVED  
MAR - 21 1977  
WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON       )  
                          ) ss.  
County of Jackson    )

AFFIDAVIT

I, Glenn Birdseye, of 3793 Rogue River Highway,  
Gold Hill, Oregon, being first duly sworn on oath, depose and  
say:

I started purchasing water from the Gold Hill Irrigation  
District for Birdseye Farm in 1936. During the 1940 to 1950  
period, I purchased up to a maximum of thirty (30) acres per season.

After 1954 I could not longer purchase water from the  
District.

In 1953 a spillway was installed in the Gold Hill Irriga-  
tion District Canal at our farm, (by me with the consent of the  
District). From this spillway I obtained considerable water  
each year through 1973, (except none in 1969.) The spillway was  
left six (6) feet wide and the water would flow over it at times  
to exceed 1-1/2 inches in depth. This water was collected in a  
small reservoir from which I could obtain an even flow to irrigate  
the fields below. To irrigate the piece in Section 34, I pumped  
water from the reservoir.

In 1973 the spillway was removed from the canal and I  
have had no way to receive water from this source.

During the latter part of the 1950's, I tried to have  
the Gold Hill Irrigation District include 30 acres of our lands  
in their District. The Board in the District seemed to indicate  
to me that their canal wasn't adequate to deliver water to our  
lands and that they preferred to add additional new lands to the



District's members further up the canal.

During the latter part of the 1950's, when water was to be transferred from the freeway to other lands, I tried to buy into the District for some of the same, with no results.

Some of the homeowners in the District were dissatisfied with being in the District and wished to have their amount of lands watered changed to Birdseye Farm, with no results.

In 1965 I bought a pump and some pipe toward pumping from the river. I found out I could not get a permit to do so as long as the Gold Hill Irrigation District permit was in effect. This has caused so long a delay I can no longer obtain a 1970 priority.

The Gold Hill Irrigation District has had full control of the distribution of the water from this permit shown for our lands, and has used same wherever they wished.

Now due to the fact that I can no longer receive any water from this source, I am asking you to replace all lands that had water applied to them in Sections 27 and 34, Township 36 South, Range 4 West of the Willamette Meridian, Jackson County, Oregon, to the new point of diversion for a pumping right.

Glenn Birdseye

Subscribed and sworn to before me this 15<sup>th</sup> day of March, 1977.

Olivia C. Smith  
Notary Public for Oregon  
My commission expires: 10-21-78





Agricultural Experiment Station

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MAR - 21 1977  
WATER RESOURCES DEPT  
SALEM, OREGON

## OREGON STATE UNIVERSITY

SOUTHERN OREGON EXPERIMENT STATION  
569 Hanley Road  
MEDFORD, OREGON 97501

February 18, 1977

Mr. Glen Birdseye  
3793 Rogue River Highway  
Gold Hill, Oregon 97525

Dear Mr. Birdseye:

This letter summarizes my impressions of the approximately 90 acres of your land located mostly in the SE  $\frac{1}{4}$  of Section 27, Township 36 S, Range 4 W in Jackson County, Oregon, which I inspected with you on February 17, 1977.

The Interim Soil Survey Report, Jackson County, Oregon, 1969, shows the soil in the particular area mapped as Chehalis silt loam, Evans loam, Newberg fine sandy loam, and a very small area of Camas gravelly sandy loam. A more recent soil correlation shows Wapato silt loam in place of the Chehalis silt loam. Of these soils, Chehalis silt loam and Evans loam are in land use Capability Unit I; Newberg fine sandy loam is in land use Capability Unit IIs-2, and Camas gravelly sandy loam is in land use Capability Unit IVw-2.

The Chehalis, Evans, and Newberg soils have sufficient depth, waterholding capacity, and native fertility to be used for dryland grain, hay, and pasture production. Because of less effective soil depth and gravel content, the Camas soil is not as well suited for dryland crop production. Even though the first three soils can produce general crops under dryland conditions, relatively large acreages are required to form economic units for cash crop or for combination crop and livestock enterprises.

Under irrigation the productive capacities of the above mentioned soils could be increased greatly. In my opinion, the maximum yield of alfalfa hay produced under dryland conditions on the Chehalis, Evans, and Newberg soils would be about four tons per acre in years that normal rainfall patterns occur. With irrigation, hay yields of seven to nine tons per acre should be attained, using recommended varieties and good management practices.

With irrigation, these soils would not be limited to the production of general field crops. Truck crops, small fruit, tree fruit crops, and other more intensive or specialized crops could be grown.

Under irrigation, sweet corn yields of at least one thousand dozen ears per acre for fresh market should be possible. Tomato yields of at least 15 tons per acre should be obtained. Yields of other vegetable, small fruit, and tree fruit crops should be correspondingly high. Seed production of vegetable and flower crops should be possible under intensive management, generating much higher monetary returns than general crops grown under dryland conditions. In the Willamette Valley of Oregon, Chehalis and Newberg soils are widely used for the production of many kinds of vegetable, small fruit, tree fruit, and nut crops for the processing and packing industries.



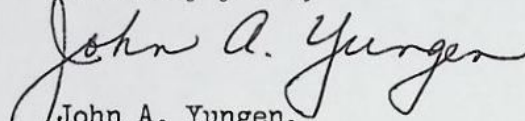
Mr. Glen Birdseye  
Feb. 18, 1977

(2)

The topography of your land is such that it is well-adapted to sprinkler irrigation. For most effective use of flood irrigation, minor surface leveling would be desirable.

I feel that your land, being located between Medford and Grants Pass, could be used to supply both of these population centers with produce, should you wish to do so, if your land were irrigated. Your location also seems well-suited to a fresh market stand or for a U-pick operation.

Sincerely yours,

  
John A. Yungen,  
Assoc. Professor of Agronomy

JAY:np

cc: Victor Birdseye



EXTENSION SERVICE  
Jackson County Office



Mailing address:  
1301 Maple Grove Drive  
Medford, Oregon 97501

(503) 773-8215

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MAR - 2 1977

WATER RESOURCES DEPT  
SALEM, OREGON

February 10, 1977

TO WHOM IT MAY CONCERN . . . .

Mr. Glenn Birdseye has asked for a comparative analysis of the value of crops grown on 90 acres of his land as dryland and as irrigated land.

Current cropping of this land is oats and peas for hay. This would yield about 3 tons of hay per acre. Also part of the farm is in dryland alfalfa. This also yields about 3 tons of hay per acre.

With water the land could be planted to pasture. This would yield at least 4 tons per acre. It would be well adapted to growing irrigated alfalfa - this could yield 7 tons per acre.

Without water, even at this year's hay prices, would not support a family. With water and proper management it could produce a living for a family.

Sincerely,

A handwritten signature in cursive script that reads "Earle Jossy".

Earle Jossy  
Area Extension Agent

EJ:mv



Agriculture, Home Economics, 4-H Youth, Forestry, Community Development, and Marine Advisory Programs  
Oregon State University, United States Department of Agriculture, and Jackson County cooperating



**DEPARTMENT OF PLANNING & DEVELOPMENT**  
**JACKSON COUNTY**

February 15, 1977

RECEIVED  
MAR - 21 1977  
WATER RESOURCES DEPT  
SALEM, OREGON

Glenn Birdseye  
3793 Rogue River Highway  
Gold Hill, OR 97525

Re: 36-4W-27-1700  
36-4W-34-100

Dear Mr. Birdseye:

You requested information regarding acreage zoned Exclusive Farm (EF) and Farm Residential (F-5) for properties designated 36-4W-27-1700 and 36-4W-34-100.

According to the records of the Department of Assessment and Taxation, which I am enclosing for your information, Tax Lot 1700 receives a tax deferral under Exclusive Farm (EF) zoning on 83.87 acres with the remaining 31 acres in Farm Residential (F-5) zoning. Tax Lot 100 has 103.09 acres in Exclusive Farm (EF) zoning which receives a tax deferral and 82.20 acres which is zoned Farm Residential (F-5). Of the total acreage of Tax Lot 100, a one-acre tract is considered as a homesite.

Hopefully, the above and the enclosures will give you the information you needed. If there are further questions, please feel free to contact me.

Sincerely yours,

Robert Britzman, Planning Director

*Laurene Hopper*

By: Laurene Hopper, Planner II

LN/bd

Enclosures



FEB 11 1977

PROPERTY Class  
VALUE ZONE

SPECIALY ASSESSED  
LAND APPRAISAL

Acct. No.

Cons Mo

REMARKS:

Bal 76 ADJ+10  
B 5450

BIRDSEYE MRS C S ESTATE  
3793 ROGUE RIVER HWY

GOLD HILL

OR 97525

364W34 00100 03502

35-03

ZONED

ZONED

Unzoned Farm  
ZONED

Unrecorded En-

### Unzoned Farm

ACRES	LAND CLASS	19 <u>76</u>		19 <u>77</u>		19 <u>78</u>		19 <u>79</u>	
		UNIT VALUE	TOTAL VALUE	UNIT VALUE	TOTAL VALUE	UNIT VALUE	TOTAL VALUE	UNIT VALUE	TOTAL VALUE
1.00	H.S		5450						
70.65	$\frac{4}{VII}$	ZONED = 10	706						
49.54	$\frac{4}{VII}$	Unzoned Farm	495						
121.17	← TOTAL ALL ACRES								
120.19	← TOTAL ACRES SPEC. ASSD.		1200						
INCREMENTS TO LAND									
TOTAL WHEN SPECIALLY ASSESSED			6650						
DATE OF APPR. BY		SUMMARY OF DESIGNATED FOREST LAND VALUES							
3-1-76	PD	ACRES DESIGNATED		ACRES DESIGNATED		ACRES DESIGNATED		ACRES DESIGNATED	
		TRUE CASH VALUE		TRUE CASH VALUE		TRUE CASH VALUE		TRUE CASH VALUE	
		DESIGNATED VALUE		DESIGNATED VALUE		DESIGNATED VALUE		DESIGNATED VALUE	
		DEFERRED VALUE		DEFERRED VALUE		DEFERRED VALUE		DEFERRED VALUE	



~~592~~ 592 b  
SS ~~592~~ S

ACCT. No. \_\_\_\_\_  
CODE No. \_\_\_\_\_

BIRDSEYE MRS C S ESTATE  
3793 ROGUE RIVER HWY

OR 97525

364W34 00100 03503  
35-02 Unbranded Farm

DR PT-A-1 (12-70)



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FEB 11 1977

Jackson Co. Planning

PROPERTY Class 592 ~~5-0-2~~ SPECIALLY ASSESSED ACCT. No. 364W27-1700  
 VALUE ZONE LAND APPRAISAL CODE No. 35-3 (B.L. 35-2)

REMARKS:

BIRDSEYE MRS C S ESTATE  
 3793 ROGUE RIVER HWY

76 ADJ+1  
 B 5450

GOLD HILL

OR 97525

**UNZONED FARM**

364W27 01700 03503  
 35-02

ZONED

ACRES	LAND CLASS	19 <u>75-76</u>		19 <u>76-77</u>		19 <u>    </u>		19 <u>    </u>	
		UNIT VALUE	TOTAL VALUE	UNIT VALUE	TOTAL VALUE	UNIT VALUE	TOTAL VALUE	UNIT VALUE	TOTAL VALUE
<u>1.00</u>	HS		4950		5450				
<u>75.00</u>	IIK <sup>1</sup>	400	30000	416	21,200				
<u>2.53</u>	VL <sub>3</sub>	10	25	15	38				
<u>15.00</u>	IIK <sup>1</sup>	400	6000	416	6240				
<u>16.00</u>	VL <sub>3</sub>	10	160	15	240				
<u>109.53</u>	← TOTAL ALL ACRES		<u>36185</u>						
<u>108.53</u>	← TOTAL ACRES SPEC. ASSD.		<u>36190</u>		<u>37720</u>				
INCREMENTS TO LAND									
TOTAL WHEN SPECIALLY ASSESSED			<u>41140</u>		<u>43170</u>				

DATE OF APPR. BY		SUMMARY OF DESIGNATED FOREST LAND VALUES							
2-21-75	R. Simon	ACRES DESIGNATED		ACRES DESIGNATED		ACRES DESIGNATED		ACRES DESIGNATED	
		TRUE CASH VALUE		TRUE CASH VALUE		TRUE CASH VALUE		TRUE CASH VALUE	
		DESIGNATED VALUE		DESIGNATED VALUE		DESIGNATED VALUE		DESIGNATED VALUE	
		DEFERRED VALUE		DEFERRED VALUE		DEFERRED VALUE		DEFERRED VALUE	
3-2-76	N.F.	ACRES DESIGNATED		ACRES DESIGNATED		ACRES DESIGNATED		ACRES DESIGNATED	
		TRUE CASH VALUE		TRUE CASH VALUE		TRUE CASH VALUE		TRUE CASH VALUE	
		DESIGNATED VALUE		DESIGNATED VALUE		DESIGNATED VALUE		DESIGNATED VALUE	
		DEFERRED VALUE		DEFERRED VALUE		DEFERRED VALUE		DEFERRED VALUE	



FEB 11 1977

Jackson Co. Planning

592

**SPECIALY ASSESSED  
LAND APPRAISAL**

CODE NO.

REMARKS:

BIRDSEYE MRS C S ESTATE  
3793 ROGUE RIVER HWY

GOLD HILL

OR 97525

364W27 01700 03502

35-03

ZONED

03502

IGNED

ZONES

[illegible]



Due March 2nd

AN EARLIER FILING WILL BE APPRECIATED.

Note: Fill in each column that is pertinent to the item.  
Do not write in Assessor's T. C. V. column.

Form 2

PERSONAL PROPERTY RETURN

As of January 1st

This form must be filled out in accordance with enclosed instructions.

1969

Jackson County, Oregon  
Raymond C. Barker, Assessor  
County Courthouse  
Medford, Oregon 97501

Name and Address:

P-27068 Birdseye, Glenn  
Rt 1 Box 385  
Gold Hill, Ore. 97525  
35-3

Personal Property

Farm  
P-20078

- ☐ Check if you have no taxable personal property, sign declaration and return.  
☐ Check if sold, write in above name and address of new owner.

SUMMARY AND INDEX-ASSESSOR'S USE ONLY

SCHED. NO.	SCHEDULE TITLE	TRUE CASH VALUE	ADJUSTMENTS	
			AMOUNT	TYPE
1(a)	Inventories (all but log)			
(b)	Log Inventory			
	Total Inventory			
2(a)	Store Furniture and Equipment			
(b)	Office Furniture and Equipment			
(c)	Medical, Dental and Optical			
(d)	Law Library			
	Total Furniture and Equipment			
3	Farm Machinery	1746		
4(a)	Restaur. Tavern and Rec. Equip.			
(b)	Hotel, Motel and Apt. Equip.			
(c)	Logging and Contracting Equip.			
(d)	Garage, S. S. and M. S. Equip.			
(e)	Miscellaneous Equip.			
	Total Other Machinery and Equip.			
6(a)	Misc. Livestock	Number		
(b)	Cattle	94	10225	
(c)	Sheep and Goats			
(d)	Swine			
(e)	Poultry			
	Total Livestock			
7	Miscellaneous			
	Total True Cash Value			

Machine Listing of T.C.V. (Assessed Value)

CONFIDENTIAL

FARMING, LOGGING AND CONTRACTING

IMPORTANT NOTICE: Please return this form properly filled out and signed not later than March 2nd. A penalty will be imposed for late filing. ORS 308.105, 308.285, 308.290, 308.295, 308.300.

This form is intended primarily for those engaged in Farming, Logging, or Contracting. If you have other taxable personal property, use applicable form.

Attach list of any assessable personal property in your possession that should be assessed to another person giving their name and address.

PENALTY FOR LATE FILING:

The penalty for late filing (after March 2) of personal property returns shall be \$5 for each \$1000 (or fraction) of true cash value, but not less than \$15. (ORS 308.295)

(To be filled in by Taxpayer)						(Assessor's Use Only)	
The property listed on this form is located in:						Code No.	
Section	Township	Range	Sch'l. Dist.	OR	City	Account No.	

Schedule 1(a) INVENTORIES (Use Schedule 1(b) for logs)

Value of inventories per your books and tax returns

as of January 1st .....

Less book value of logs .....

Net value .....

(If on a fiscal year basis or reporting average inventory, attach work sheet showing detail of conversion to January 1st)

Schedule 6 LIVESTOCK

TYPE	NUMBER	ASSR'S. T. C. V.	TYPE	NUMBER	ASSR'S. T. C. V.
(a) Miscellaneous			(c) Sheep and Goats		
Work Horses & Mules			Lambs & Weathers		
Saddle Horses			Ewes, 1 to 6 yrs.		
Saddle Horses Registered			Rams, 1 to 6 yrs.		
Shetland, Welsh Ponies			Ewes, Rams, 6yr & over		
Bees (number stands)			Goats: Milk		
Mink: Darks			Mohair		
Mutation			Total (c)		
Rabbits			TYPE	NUMBER	ASSR'S. T. C. V.
Chinchillas			(d) Swine		
Dogs, Racing			3 mo. & under		
Dogs, Kennel Stock			3 to 9 mo. [Ave. WT.]		
Total (a)	XXXX		Sows & Boars		
(b) Cattle	Regis-tered	Grade	Total (d)		
Beef		XXXX	(e) Poultry*		
Calves, under 6 mo.		8 300	Chickens		
Calves, 6 mo. to 1 yr.		75	Turkeys		
Steers, 1 to 2 yrs.		1	Turkeys, Beltsville		
Steers, 2 yrs. & over			Ducks		
Heifers, 1 to 2 yrs.		1 100	Geese		
Cows, 2 yrs. & over		7 910	Total (e)		
Bulls, 1 yr. & over					
Dairy					
Calves, under 6 mo.		5 100			
Calves, 6 mo. to 1 yr.		7 420			
Steers, 1 yr. & over					
Heifers, 1 to 2 yrs.		15 800			
Cows, 2 yrs. & over	XXX	XXX			
Heavy Breeds					
Light Breeds		50 6500			
Bulls, 1 yr. & over					
Total (b)		94 10225			

\*Do not include poultry held primarily for sale for human consumption.

Transient Livestock Apportionment

\_\_\_\_\_ head of \_\_\_\_\_ (Kind)  
(Number) will be in this county for \_\_\_\_\_ months  
(Number) and in \_\_\_\_\_ county  
\_\_\_\_\_ months.

Schedule 2(b) OFFICE FURNITURE & EQUIPMENT

ITEM	Number	MAKE OR TYPE	MODEL OR SIZE	MODEL YEAR	YOUR COST	YEAR BOUGHT	PRES-ENT VALUE	ASSR'S. T. C. V.
Desks								
Chairs								
Safe								
Filing Cabinets								
Adding Machine								
Duplicator								
Calculator								
Accounting Machine								
Posting Machine								
Complometer								
Typewriter								

DECLARATION

I declare under the penalties for false swearing that this return and attached schedules have been examined by me and, to the best of my knowledge and belief, contain a full and complete listing of all taxable personal property owned by me or in my possession or control and having a situs in this county as of January 1st of the year noted above, that the inventory values do not include the value of non-inventory items, and that all statements herein are true.

x Glenn Birdseye owner

Penalty for late filing: \$5 per \$1,000 TCV \$



## Schedule 3 FARM MACHINERY &amp; EQUIPMENT

ITEM	Number	MAKE OR TYPE	MODEL OR SIZE	MODEL YEAR	YOUR COST	YEAR BOUGHT	PRES-ENT VALUE	ASSR'S. T. C. V.
Tractor	1	JD	D	35	1350	35	150	750

## Tillage Equipment

"	1	McD.	2-16	44	160	44	20	32
"	1	JD	16	48	30	53	10	6
"	1	JD	8 ft		40	33	10	8
Key Tooth Harrow	1	Fargo	4 sec	50	80	53	20	16
Long Tooth Harrow	1	Towhee	8 ft	50	80	53	20	16
Tipper	2		8 ft		40	36	20	8
er								
llevator								
ary Hoe								
eder								
er								
arden Tiller								
rugator								
Sprinkler	1		2 sec				10	10
Sprinkler	1	Case	4 sec		36		10	10

## Hay and Forage Equipment

wer								
ke								
ndrower								
er								
y Chopper								
y Loader								
y Stacker								
ilage Cutter								
ilage Blower								
age Harvester								

## Grain and Seed Equipment

combine								
valther								
rain Auger, Pible.								
ain Tanks & ns. Portable								
rain Treater								
ubble Beater								
ubble Cutter								
ed Drill								

## Orchard and Row Crop Equipment

axes, Baskets, ickets								
adders								
ee Shaker								
on Stokes & Wire								
anters (spud, beet, etc.)								
agets (spud, beet, etc.)								
arveners (spud, beet, etc.)								
ot Thinner								
alk Shredder								
ne Beater								
orn Picker								

## Processing and Cleaning Equipment

eed Cutter	1	Beard	35	100	42	20	20
eed Grinder							
eed Mixer							
Corn Sheller							
eed Cleaner							
Grader (spud, pear, etc.)							
Washer (veg. or fruit)							
Dryer							
Nut Huller							
Sailer							

## Schedule 3 (Continued)

ITEM	Number	MAKE OR TYPE	MODEL OR SIZE	MODEL YEAR	YOUR COST	YEAR BOUGHT	PRES-ENT VALUE	ASSR'S. T. C. V.
Livestock Equipment								
Milking Machine								
Vac. Unit								
Milking Machine								
Milking Unit								
Milk Cooler								
Milk Sterilizer								
Milk Storage Tank								
Milk Can Refrigerator								
Milk Bottler								
Cream Separator								
Squeeze Chute								
Dipping Vat, Portable								
Feeder, Portable								
Shearing Machine								
Building, Portable								
Incubator								
Brooder								
Cages (Poultry, Mink, etc.)								

## Material Handling, Earth Moving and Misc. Equipment

Manure Spreader	1	JD	L	53	450	53	80	90
Front End Loader & Attch.	1	John	545	53	650	53	50	130
Fertilizer Spreader								
Lime Spreader								
Sprayer (Field or Orchard)								
Duster								
Loader (Bale, beet, etc.)								
Elevator, Bale or Sack								
Conveyor								
Elevating Fork Truck								
Wagon (not licensed)								
Trailer (not licensed)								
Dozer Blade								
Leveler								
Sub-soiler								
Sloper								
Terracer								
Ditcher	1	Martin		45	40	52	10	8
Fuel Tank, Portable								
Water Tank, Portable								
Blower								
Cold-Storage Equip.								
Post Hole Digger, Pwr.								

(Use Schedule 4(d), Page 4, for Shop Equipment)

## Irrigation Equipment

Pump & Motor Comb.	1	30 horse		125	650	65	400	558
Pump								
Motor								
Switch (elec. motor)								
Sprinklers								
Pipe	1900 ft							
	5-50	15 in.						
Misc. Fittings								



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SEP 21 1978  
WATER RESOURCES DEPT.  
SALEM, OREGON

Transfer No. 3392

NOTICE OF COMPLETION OF CONSTRUCTION

I, Glenn Birdseye hereby certify  
that the construction work has been completed and the change in point of  
diversion of water made as set forth in the order of the Water Resources  
Director dated March 7, 1977, approving an application  
for a change in point of diversion of water from The Rogue River  
\_\_\_\_\_.

Sept. 20 1978  
Date

Glenn Birdseye  
Name

Glenn, Victor and David Birdseye

Water has now been applied to the total  
acreage from this new point of diversion.