

3486

STATUS OF APPLICATION

Change in place of use  
Date filed 10-22-76  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 11-23-76 Vol. 28, page 139  
Date for application of water 10-1-78  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued NOV 28 1976 Vol. 37, page 44967  
Feb 11, 2011 86801

DESCRIPTION OF WATER RIGHT

Name of stream Namaker Well  
Trib. of \_\_\_\_\_ County of Klamath  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority \_\_\_\_\_  
In name of \_\_\_\_\_  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. U-319 Per. No. U-343 Cert. No. 35152  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEEES PAID

Date	Amount	Receipt No.
<u>10-22-76</u>	<u>73.50</u>	<u>56567</u>
<u>6-8-10</u>	<u>75.00</u>	<u>100184</u>
TOTAL . . .		
<u>10-22-76</u>	<u>92 Cert. Fee</u>	<u>56568</u>

FEEES REFUNDED

Date	Amount	Check No.

REMARKS

See A# G-7396, to cover lands this transfer FROM  
Part of right under Cert #35152 canceled Vol. 28, P. 139  
Assignment: 6/8/2010

JESPERSON-EDGEWOOD, Inc  
12941 SWAN LAKE ROAD  
KLAMATH FALLS OR 97603

Fees:  
Exam 20-  
POV 53.50  
203.50  
873.50

INDEX CARDS:	Entered	Checked
<u>WH</u> Name	<u>✓</u>	
<u>WH</u> Stream	<u>✓</u>	
<u>WH</u> Pt. of Div.	<u>✓</u>	
<u>WH</u> Calendar	<u>✓</u>	
✓ Twp. & Rge.	<u>✓</u>	
Decree-Grant		
Decree-App's		
✓ Cert. of W/R	<u>✓</u>	
✓ Per. Folder	<u>✓</u>	
Chalindex		
Cross Ref.		
Power Claim		
Abstracts		



## STATE OF OREGON

## COUNTY OF KLAMATH

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JESPERSON-EDGEWOOD, Inc  
12941 SWAN LAKE ROAD  
KLAMATH FALLS OR 97603

confirms the right to use the waters of HAMAKER WELL, tributary to ANDERSON CREEK (SWAN LAKE) for IRRIGATION of 112.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 36.0 ACRES.

This right was perfected under permit U-343. The date of priority is JULY 19, 1949. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.86 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
38 S	11.5 E	WM	7	SE SE			1530 FEET NORTH & 3830 FEET EAST FROM E1/4 COR SEC 12, T 38 S, R 10 E

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
38 S	10 E	WM	12	NE NE			1.3
38 S	10 E	WM	12	SE NE			37.7
38 S	11.5 E	WM	7	SW SE			32.0
38 S	11.5 E	WM	18	NE NE			4.8
38 S	11.5 E	WM	18	NW NE			31.2
38 S	11.5 E	WM	18	SE NE			2.3
38 S	11.5 E	WM	18	NE NW			0.4
38 S	11.5 E	WM	18	SW NW	2		1.4
38 S	11.5 E	WM	18	SE NW			1.8

## NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

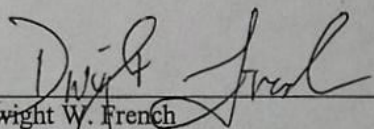
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
38 S	10 E	WM	12	NE SE			30.0
38 S	10 E	WM	12	NW SE			4.9
38 S	10 E	WM	12	SE SE			1.1

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered November 23, 1976, at Special Order Volume 28, Page 139, approving Transfer Application 3486, and together with Certificate 44967, supercedes Certificate 35152, State record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued FEB 11 2011.



Dwight W. French  
Administrator Water Rights and Adjudications, for  
Phillip C. Ward, Director



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Klamath County

IN THE MATTER OF THE APPLICATION )  
OF BIAGGI & VENABLE FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE OF )  
WATER FROM HAMAKER WELL )  
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ORDER APPROVING  
TRANSFER NO. 3486

On October 22, 1976, C. W. Biaggi and T. M. Venable filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from a well, pursuant to the provisions of ORS 537.705.

Certificate of water right recorded at Page 35152, Volume 27, State Record of Water Right Certificates, in the name of Nevin Cattle Company, describes an existing right of record which includes the use of not to exceed 2.55 cubic feet per second from Hamaker Well for irrigation of a certain 0.8 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 13.3 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and 11.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6; 4.2 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 37.8 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 33.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 13.7 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 13.8 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 40.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 22.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 13.8 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 7, Township 38 South, Range 11 $\frac{1}{2}$  East, W.M., with a date of priority of July 19, 1949.

Water for the said right is diverted from a well located 1530 feet North and 3830 feet East from the East quarter-corner of Section 12, Township 38 South, Range 10 East, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 7, Township 38 South, Range 11 $\frac{1}{2}$  East, W.M.

The applicants herein, owners of the lands above described, propose to change, without loss of priority, the place of use and to sever the right therefrom and, in lieu thereof, irrigate a certain 14.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 38.6 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 12, Township 38 South, Range 10 East; 33.4 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 1.6 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 7; 6.1 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 37.8 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.4 acres



in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 4.7 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.8 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 12.6 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 18, Township 38 South, Range 11 $\frac{1}{2}$  East, W.M., and supplemental irrigation of 29.6 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, Township 38 South, Range 10 East, W.M.

Mr. Don Knauer, Watermaster of District No. 17, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Nevin Cattle Company and recorded at Page 35152, Volume 27, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to C. W. Biaggi and T. M. Venable.

Dated at Salem, Oregon, this 23rd day of November, 1976.

/s/ JAMES E. SEXSON  
Director



## STATE OF OREGON

COUNTY OF

KLAMATH

50381

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That NEVIN CATTLE COMPANY

of Star Route, Dairy, State of Oregon 97625, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of five wells

a tributary of Anderson Creek (Swan Lake) for the purpose of irrigation of 1,518.6 acres

under Permit No. U-342 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 19, 1949

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 12.98 cubic feet per second; being 5.02 cfs from Lone Rock Well; 2.19 cfs from Hamaker Well, 3.80 cfs from Liskey Well, 3.50 cfs from Mitchell Well and 3.51 cfs from Swan Lake Well,

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 13; SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 23, T38S, R10E, WM; NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 6; SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 7, Lot 3 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ), Section 30, T38S, R11 $\frac{1}{2}$ E, WM; Liskey Well 800 feet South and 430 feet East from NW Corner, Section 13; Swan Lake Junction Well 3,225 feet North and 1,260 feet West from SE Corner, Section 23; Lone Rock Well 100 feet North and 1,580 feet East from NE Corner, \*

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

<u>Lone Rock Well</u>	39.7 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
13.8 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.1 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 23	29.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 36
5.6 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$	Township 37 South, Range 10 East, WM
16.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.9 acre Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ )
5.9 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$	13.7 acres Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ )
32.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
8.7 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$	26.2 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
0.4 acre SW $\frac{1}{4}$ SW $\frac{1}{4}$	12.9 acres Lot 6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ )
35.6 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.3 acres Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ )
0.5 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$	28.6 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
15.3 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.1 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 25	13.6 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 6
27.6 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
1.0 acre SE $\frac{1}{4}$ NE $\frac{1}{4}$	30.6 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 26	0.6 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$
8.2 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.5 acre SE $\frac{1}{4}$ NE $\frac{1}{4}$
34.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$	7.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
18.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 7
32.2 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	Township 38 South, Range 11 $\frac{1}{2}$ East, WM
8.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$	



Hamaker Well

5.8 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 12  
Township 38 South, Range 10 East, WM

13.9 acres Lot 4 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ )  
40.0 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
6.6 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
18.8 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 7

24.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
3.2 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
35.9 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
14.0 acres Lot 1 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ )  
5.4 acres Lot 2 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ )  
7.4 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 18

Township 38 South, Range 11 $\frac{1}{2}$  East, WM

Liskey Well

37.2 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
37.2 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
32.6 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
36.8 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
29.6 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
37.2 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
25.2 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
1.5 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 12

1.6 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
10.8 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
2.8 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
5.4 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 13

1.3 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
20.3 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
23.1 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
1.7 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 14

Township 38 South, Range 10 East, WM

Mitchell Well

8.8 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
0.2 acre SE $\frac{1}{4}$  NW $\frac{1}{4}$   
39.4 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$

3.6 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
27.6 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
10.4 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
38.6 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
27.4 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
38.6 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$

Section 24

Township 38 South, Range 10 East, WM

8.8 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
10.4 acres Lot 3 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ )  
14.8 acres Lot 4 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ )  
37.6 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
2.3 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$

Section 30

1.2 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
8.1 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
2.6 acres Lot 1 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ )  
Section 31

Township 38 South, Range 11 $\frac{1}{2}$  East, WM

Swan Lake Junction Well

32.2 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
11.3 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 11

13.3 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
39.6 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
39.6 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
6.1 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
0.1 acre NE $\frac{1}{4}$  SE $\frac{1}{4}$   
32.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
15.4 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 14

21.4 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
32.6 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
2.1 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
4.0 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
23.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
5.5 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
2.4 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$

Section 23

Township 38 South, Range 10 East, WM

\* Section 1; Hamaker Well 1,530 feet North and 3,830 feet East from E $\frac{1}{2}$  Corner, Section 12; Mitchell Well 780 feet North and 5 feet East from SE Corner, Section 24, T38S, R10E, WM.

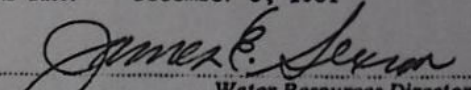
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 44967, Volume 37, State Record of Water Right Certificates. NOT modified by the provisions of an order of the Water Resources Director entered on October 26, 1981, approving Transfer Application 4843.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date. December 3, 1981

  
Water Resources Director