

31817 *Larilla & Berna  
Ashmunphaser  
P.O. Box 49, Logue River 97537*

3181

STATUS OF APPLICATION

Change in joint of diversion  
Date filed 3-17-75  
Date of hearing 8-5-76  
Place of hearing Medford  
Date of order 9-7-76 Vol. 27, page 388  
Date for application of water 10-1-77  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued \_\_\_\_\_ Vol. 42, page 43915  
*Summary 117*  
42  
48879  
43918  
48880

DESCRIPTION OF WATER RIGHT

Name of stream Logue River  
Trib. of \_\_\_\_\_ County of Jackson  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 1.5  
Name of ditch Sold Hill IAC  
Date of priority September 29, 1916 & October 16, 1916  
In name of Gold Hill Irrigation District  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 5213 Per. No. 8888 Cert. No. 10956  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
3-17-75	30.00	45689
3-17-75	45.00 P.O.N.	45690
TOTAL . . .	<u>2.00</u>	
<u>8-24-76</u>	Cert. Fee	<u>45690</u>

FEES REFUNDED

Date	Amount	Check No.
<u>8-24-76</u>	<u>B 14.43</u>	<u>744</u>

REMARKS

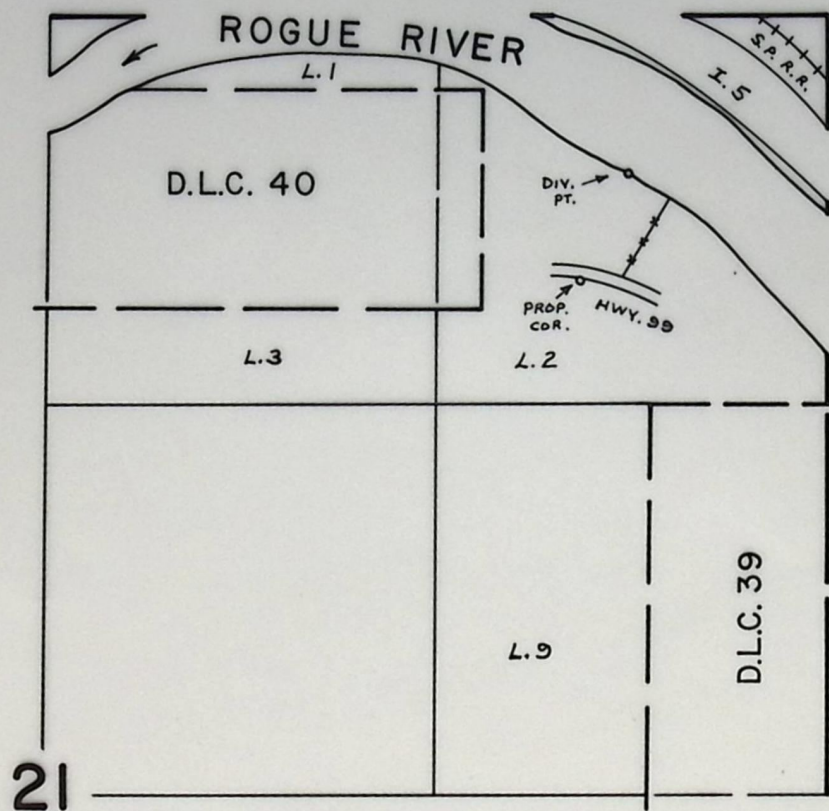
See Transfers 3166 & 3392 - same right involved.  
Transfer 3442 provides for cancellation of cert.

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

330



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



DIV. PT. LOC. - 540' S. & 680' W. FROM THE N.E. COR., SEC. 21.

SCALE: 1" = 660 FT.

**FINAL PROOF SURVEY**  
UNDER

Transfer No. 3181

Application No. .... Permit No. ....

IN NAME OF

**HILARIUS & BERNICE SCHLUMPBERGER**

Surveyed JUL. 21 1978, by B. SUND

D.H.M.

P.T.S. - 1978 - 14 - C



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION  
OF HILARIUS AND BERNICE SCHLUMBERGER }  
FOR THE APPROVAL OF A CHANGE IN POINT }  
OF DIVERSION OF WATER FROM ROGUE RIVER }  
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ORDER APPROVING  
TRANSFER NO. 3181

On March 17, 1975, Hilarius and Bernice Schlumberger filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion under an existing right of record to appropriate not to exceed 0.02 cubic foot per second of water from Rogue River, with a date of priority of October 16, 1916, at 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., for the irrigation of 1.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, Township 36 South, Range 4 West, W.M., being a portion of the right evidenced by the certificate recorded at Page 10956, Volume 10, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to irrigate this land from a point of diversion to be located 390 feet South and 770 feet West from the Northeast corner of Section 21, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, 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 14, 21 and 28, 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 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 0.02 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.

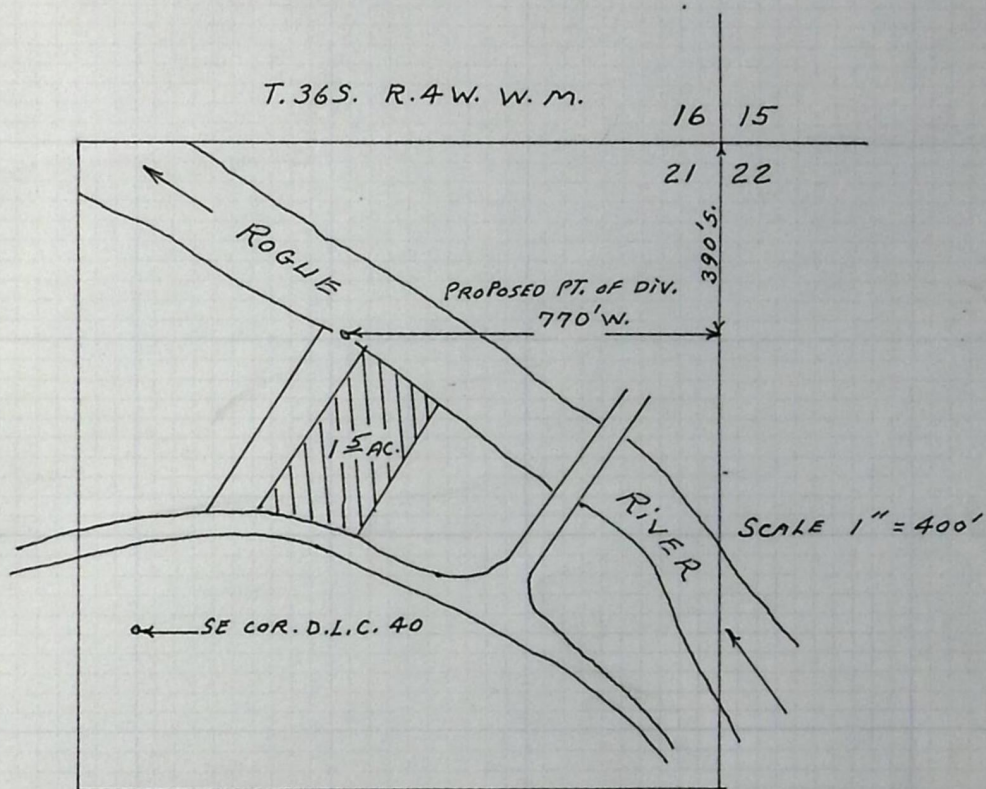
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that 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 Hilarius and Bernice Schlumpberger confirming the change in point of diversion.

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

/s/ JAMES E. SEXSON  
Director





MAP TO ACCOMPANY APPLICATION OF  
H.A. AND BERNICE SCHLUMBERGER  
FOR CHANGE IN POINT OF DIVERSION.

RECEIVED

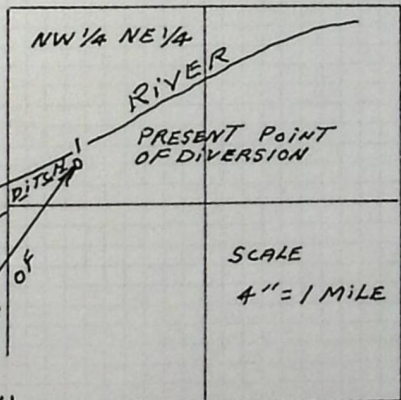
MAR 17 1975  
STATE ENGINEER  
SALEM, OREGON



3-13-75

T-3181

T. 36 S. R. 3 W. W. M.



GOLD HILL IRR. DIST. RITTED  
N 38° E. 4900' FROM THE SW COR. OF SEC. 11



BR5 7-21-78  
FIS-1978-14-C

County Jackson

6. Place of Use      DATE FOR APPLICATION OF WATER: 10/1/77

[illegible]



Info: Mr. & Mrs. Schlumberger

motor: Century 2HP @ 3450 RPM

pump:  $1\frac{1}{2}'' \times 1\frac{1}{2}''$ , 2" Intake

DIV. PT.: ROGUE RIVER, DIRECT

PIPE: MAIN:  $1\frac{1}{2}''$  PLASTIC - 350'

1" PLASTIC - 400'

LAT: 300' GARDEN HOSE

SPRINKLERS: 6 - Royal Coach,  $\frac{5}{32}''$ , 6 MAX.

LIFT: +15' pump, +2' suction

USE: Trailer Park Yard Irrigation

Tie: PTS-1978-14-C

Bruce R. Sund

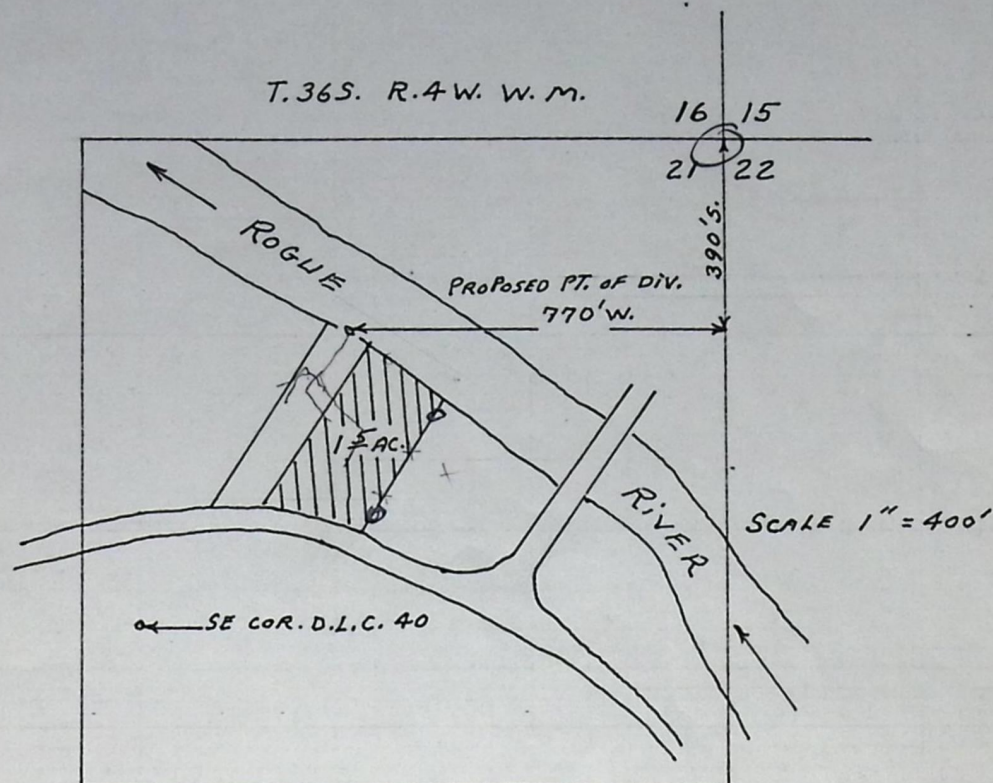
F.E.

7-21-78

$$\frac{2(6.61)}{114 + 17} = 0.1 \text{ c.f.s.} \checkmark$$

$$\frac{6(4.7)}{450} = 0.06 \text{ c.f.s.} \checkmark$$



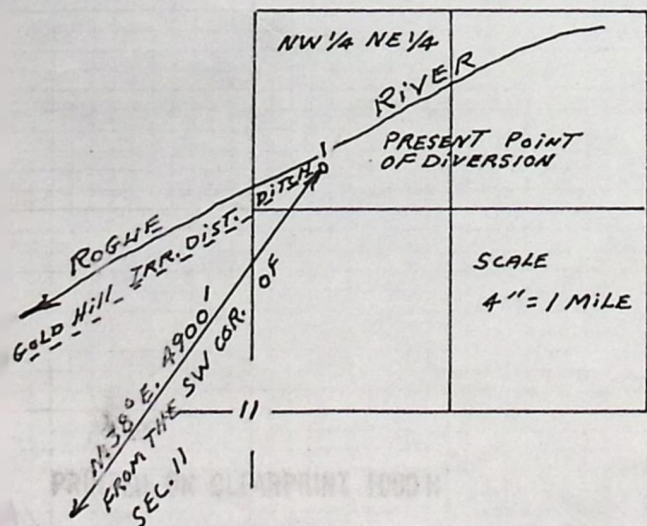


MAP TO ACCOMPANY APPLICATION OF  
H.A. AND BERNICE SCHLUMPBERGER  
FOR CHANGE IN POINT OF DIVERSION.

RECEIVED

MAR 17 1975  
STATE ENGINEER  
SALEM, OREGON

T.36S. R.3W. W.M.



3-13-75

T-3181



RECEIVED

MAR 17 1975  
STATE ENGINEER  
SALEM, OREGON

T-3181

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Hilarius Schlumpberger and Bernice Schlumpberger  
(Name of applicant)  
P. O. Box 49, Rogue River,  
of 8890 Rogue River Hwy., County of Jackson  
(Postoffice)  
State of Oregon 97537, do hereby make application for change in point of diversion

(In point of diversion; place of use; use heretofore made of the water)

- The source of present water right is Rogue River.  
(Name of stream)
- The use to which the water is applied is irrigation.  
(Irrigation; Mining; Power; Manufacturing; etc.)
- The name of the ditch, canal or pipe line is Gold Hill Irrigation District Canal.
- The point of diversion is located N. 38° E. 4900'  
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.	21	1.5															

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.  
16.25 cfs / 1300 AC.

(Attach separate sheet if necessary)

- Are you the legal owner of the above described lands? Yes.  
(If not owner, explain your interest)
- Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes.
- What is the date of priority of your water right? Sept. 26, 1916 and Oct. 16, 1916.  
Lt. May 28, 1976 200
- 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 none.  
(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 390 ft. S. and 770 ft. W. from the NE corner of Sec. 21 being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21 Tp. 36 S. R. 4 W. W. M.,  
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)  
in the county of Jackson. The name of the ditch to be used is pumping system.

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 to better facilitate the use of water.



AFFIDAVIT OF APPLICANT

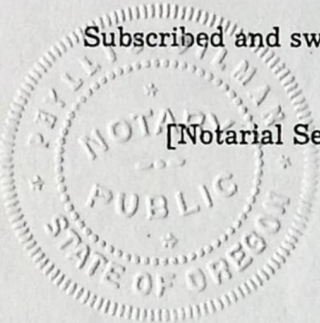
STATE OF OREGON,  
County of Jackson } ss.

I, Hilarius A. and Bernice Schlumpberger, 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 11th day of March, 1975.

Hilarius G. Schlumpberger  
Bernice Schlumpberger  
(Name of applicant)

Subscribed and sworn to before me this 11th day of March, 1975.



[Notarial Seal]

X  
Phyllis Gilman  
NOTARY PUBLIC FOR OREGON

My commission expires 3-5-77

Remarks

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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.



378-3066

T-3181

November 17, 1976

Mr. and Mrs. Hilarius A. Schlumpberger  
P. O. Box 49  
Rogue River, Oregon 97537

Dear Mr. and Mrs. Schlumpberger:

I have your notice advising that construction work has been completed as required in our order approving your application for a change in point of diversion of water from Rogue River.

In line with the general practice of this office, a survey will be made at a later date.

Sincerely,

James W. Carver, Jr.  
Engineer

JWC:whh



Transfer No. 3181

NOTICE OF COMPLETION OF CONSTRUCTION

I, Hilarius A. Schlupberger 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 \_\_\_\_\_, approving an application  
for a change in point of diversion of water from \_\_\_\_\_  
\_\_\_\_\_.

Sept. 21, 1976  
Date

Hilarius A. Schlupberger  
Name

**RECEIVED**

SEP 23 1976

**WATER RESOURCES DEPT.  
SALEM, OREGON**



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

Notice is given hereby that Hilarius and Bernice Schlumpberger 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, 1.5 acres in NE 1/4 NE 1/4, Sec. 21, T. 36 S., R. 4 W., W.M., with a date of priority of Oct. 16, 1916. Water for this use is diverted from a point located N. 38° E. 4900 ft. from the SW corner of Sec. 11, being within the NW 1/4 NE 1/4 of Sec. 11, T. 36 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 390 ft. S. and 770 ft. W. from the NE corner of Sec. 21, being within the NE 1/4 NE 1/4, Sec. 21, 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 5, 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 Hilarius and Bernice Schlumpberger, P.O. Box 49, Rogue River, Oregon 97537, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. If no objection is filed, the application may be approved by the Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 1st day of 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/Schlumpberger 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 14, 21, 28, 1976  
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sharon J. Morris

Subscribed and sworn to before me this 28th day of June, 19 76

James J. Osborn

NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 19 77



AND WHEN RECORDED MAIL TO

NAME Hilarius A. Schlumberger  
ADDRESS 729 Burchett  
CITY & STATE Glendale, CA 91201

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## Power of Attorney

### GENERAL

#### BY THIS POWER OF ATTORNEY:

HILARIUS A. SCHLUMBER

(Name or names of person or persons giving this power hereinafter referred to as Principal)

Los Angeles, State of California

do es appoint BERNICE A. SCHLUMBERGER

his true and lawful attorney.

In principal's name, and for principal's use and benefit, said attorney.....is authorized hereby:

- (1) to demand, sue for, collect, and receive all money, debts, accounts, legacies, bequests, interests, dividends, annuities, and demands as are now or shall hereafter become due, payable, or belonging to principal, and to take all lawful means, for the recovery thereof and to compromise the same, and give discharges for the same;
- (2) to buy and sell land, make contracts of every kind relative to land, any interest therein or the possession thereof, and to take possession and exercise control over the use thereof;
- (3) to buy, sell, mortgage, hypothecate, assign, transfer, and in any manner deal in and with goods, wares, and merchandise, choses in action, certificates or shares of capital stock, and other property in possession or in action, and to make, do, and transact all and every kind of business of whatever nature;
- (4) to execute, acknowledge and deliver contracts of sale, escrow instructions, deeds, leases including leases for minerals and hydrocarbon substances and assignments of leases, covenants, agreements and assignments of agreements, mortgages and assignments of mortgages, conveyances in trust to secure indebtedness or other obligations, and assign the beneficial interest thereunder, subordinations of liens or encumbrances, bills of lading, bills, bonds, notes, receipts, evidences of debt, releases and satisfactions of mortgages, requests to reconvey deeds of trust, partial or full, judgments, and other debts, and other instruments in writing of whatever kind and nature, all upon such terms and conditions and under such covenants as said attorney.....shall approve.

RECEIVED

MAR 17 1975

STATE ENGINEER

SALEM, OREGON

GIVING AND GRANTING to said attorney.....full power and authority to do all and every act and thing whatsoever requisite and necessary to be done relative to any of the foregoing as fully to all intents and purposes as principal might or could do if personally present.

All that said attorney..... shall lawfully do or cause to be done under the authority of this power of attorney is expressly approved.

Dated October 3, 1974

STATE OF CALIFORNIA  
COUNTY OF  
Los Angeles, } SS.

*Hilarius A. Schlumberger*  
Hilarius A. Schlumberger

On October 3, 1974

before me, the undersigned, a Notary Public in and for said County and State, personally appeared

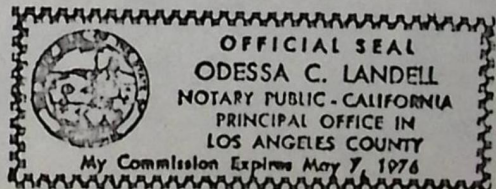
Hilarius Schlumberger

known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument and acknowledged that he.....executed the same.

*Odessa C. Landell*

(Notary signature line)  
Notary Public in and for said State

FOR NOTARY SEAL OR STAMP



Title Order No. \_\_\_\_\_ Escrow No. \_\_\_\_\_