

3225 Nancy W. Holston  
626.8 Little Apple Road  
Jacksonville 77.15.30.

3225

### STATUS OF APPLICATION

Change in place of use  
Date filed 5-12-75  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 4-20-76 Vol. 27, page 113  
Date for application of water 4-20-76 10-1-77  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued AUG 30 1976 Vol. 35, page 42

FEB 25 1980

49036

### DESCRIPTION OF WATER RIGHT

Name of stream Yale Creek  
Trib. of \_\_\_\_\_ County of Jackson  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 0.4  
Name of ditch Spicer Ditch  
Date of priority 1865  
In name of Cori B. Crump, administrator of Estate of J. F. Crump  
Rogue River Adjudication, Vol. 4, page 31  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 16415  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

### FEES PAID

Date	Amount	Receipt No.
<u>5-12-75</u>	<u>25.00</u>	<u>46786</u>
TOTAL . . .		
<u>3-31-74</u>	<u>4</u> Cert. Fee	<u>52239</u>

### FEES REFUNDED

Date	Amount	Check No.

### REMARKS

T-8765 APOU

T-8892 APOD

INDEX CARDS:		Entered	Checked
WH	Name	✓	
WH	Stream	✓	
WH	Pt. of Div.		
WH	Calendar	✓	
CHECKED TO RECORDS:			
✓	Trp. & Ege.		
✓	Deed-vault		
✓	Deed-sale		
✓	Cal. of WAR	CC	
	Per. Folder		
	Calendar		
	Crow Rel.		
	Power Claim		
	Abstracts		



T-3225

Greg  
at GLEN  
8/9/04

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8892 submitted by

STEVE WEAVER  
712 MACLEAN AVENUE  
KENILWORTH, ILLINOIS 60043.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County as evidenced by Certificate 49036. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1865.

The right allows the use of YALE CREEK, a tributary of LITTLE APPLGATE RIVER, for IRRIGATION OF 0.4 ACRE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.01 cubic foot per second, if available at the authorized point of diversion: NE¼ SE¼, SECTION 29, T 39 S, R 2 W, W.M., SPICER DITCH - 350 FEET

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.



SOUTH AND 850 FEET WEST FROM E $\frac{1}{4}$  CORNER, SECTION 29, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE $\frac{1}{4}$  NE $\frac{1}{4}$             0.4 ACRE  
SECTION 29  
TOWNSHIP 39 SOUTH, RANGE 2 WEST. W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The SECOND right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County as evidenced by a PORTION of Certificate 43583. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1865.

The right allows the use of YALE CREEK, a tributary of LITTLE APPLGATE RIVER, for IRRIGATION OF 2.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 29, T 39 S, R 2 W, W.M. or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE $\frac{1}{4}$  NE $\frac{1}{4}$             2.0 ACRES  
SECTION 29  
TOWNSHIP 39 SOUTH, RANGE 2 WEST. W.M.

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



subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 29, T 39 S, R 2 W, W.M.; 735 FEET NORTH AND 1000 FEET WEST FROM THE E $\frac{1}{4}$  CORNER, SECTION 29.

THIS CHANGE TO THE EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2003.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. Prior to the diverting of water at the new point of diversion, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.



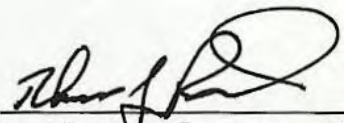
The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 49036 is cancelled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

Certificates 49036 and 43583 are canceled. A new certificate will be issued to confirm that portion of Certificate 43583 NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed SEP 18 2002.

  
for Paul R. Cleary, Director



STATE OF OREGON  
COUNTY OF JACKSON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CORA B. CRUMP, ADMINISTRATRIX OF THE  
ESTATE OF J.F. CRUMP, DECEASED  
BUNCOM, OREGON 97530

confirms the right to use the waters of YALE CREEK, OR RIGHT FORK OF  
LITTLE APPLGATE RIVER, a tributary of the APPLGATE RIVER, for  
IRRIGATION OF 59.1 ACRES AND THE DEVELOPMENT OF 4 HORSEPOWER.

This right was confirmed by decree of the Circuit Court of the State  
of Oregon for JACKSON County. The decree is of record at Salem, in  
the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4, at  
Page 1. The date of priority is 1865 FOR 0.69 CUBIC FOOT PER SECOND  
(CFS) FOR IRRIGATION OF 27.6 ACRES; 1880 FOR 0.63 CFS FOR IRRIGATION  
OF 25.0 ACRES; 1907 FOR 0.16 CFS FOR IRRIGATION OF 6.5 ACRES, DOMESTIC  
AND STOCK USE; AND 1907 FOR 0.15 CFS FOR FARM POWER WHEEL.

The amount of water to which this right is entitled is limited to an  
amount actually beneficially used and shall not exceed 1.63 CUBIC FEET  
PER SECOND or its equivalent in case of rotation, measured at the  
point of diversion from the source.

The point of diversion is located as follows:

NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 29, T 39 S, R 2 W, W.M..

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

NW $\frac{1}{4}$  SW $\frac{1}{4}$  4.0 ACRES  
SECTION 28  
TOWNSHIP 39 SOUTH, RANGE 2 WEST, W.M.



SE¼ NE¼ 5.1 ACRES  
NW¼ SE¼ 19.0 ACRES  
NE¼ SE¼ 31.0 ACRES

## SECTION 29

TOWNSHIP 39 SOUTH, RANGE 2 WEST, W.M.

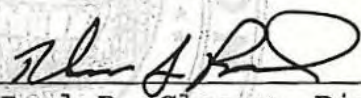
This certificate describes that portion of the water right confirmed by Certificate 43583, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 18 2002, approving Transfer Application 8892.

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 above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director,  
affixed SEP 18 2002.

  
\_\_\_\_\_  
Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 79634.



T-3225  
Gregan  
DOT CUN  
8/9/09

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8765 submitted by

KATHY L. DEAN  
71 YALE CREEK ROAD  
JACKSONVILLE, OR 97530-9341.

The right to be modified, as evidenced by a portion of Certificate 43583, was perfected under Permit 16415 with a date of priority of 1865. The right allows the use of YALE CREEK, a tributary of LITTLE APPLIGATE RIVER, for IRRIGATION OF 0.86 ACRE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.02 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 32, T 39 S, R 2 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.



The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE $\frac{1}{4}$  SE $\frac{1}{4}$  0.86 ACRE  
SECTION 29  
TOWNSHIP 39 SOUTH, RANGE 2 WEST, W.M.

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

The applicant proposes to change the place of use:

NW $\frac{1}{4}$  NE $\frac{1}{4}$  0.18 ACRE  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  0.39 ACRE  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  0.29 ACRE  
SECTION 32  
TOWNSHIP 39 SOUTH, RANGE 2 WEST, W.M.

Water Right Certificate 43583, issued August 30, 1976, incorrectly describes the point of diversion for the remaining portion of the water right not modified by the order of the Director approving Transfer 3225 recorded at Special Order Volume 27, Page 113. This order corrects that scrivener's error, and correctly describes the water right subject to transfer.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.
2. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction



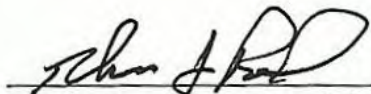
and shall be installed under the general supervision of the Department.

3. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 43583 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed JUL 24 2003.

  
Paul R. Cleary, Director



STATE OF OREGON  
COUNTY OF JACKSON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KATHY L. DEAN  
71 YALE CREEK ROAD  
JACKSONVILLE, OREGON 97530-9341

confirms the right to use the waters of YALE CREEK, a tributary of LITTLE APPLGATE RIVER, for IRRIGATION OF 60.64 ACRES AND DEVELOPMENT OF 4 HORSEPOWER.

This right was perfected under Permit 43583. The date of priority is 1865 FOR 0.74 CFS FOR IRRIGATION OF 29.6 ACRES; 1880 FOR 0.63 CFS FOR IRRIGATION OF 25 ACRES; 1907 FOR 0.16 CFS FOR IRRIGATION OF 6.5 ACRES; AND DOMESTIC AND STOCK USE; AND 1907 FOR 0.15 CFS FOR FARM POWER WHEEL. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.66 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversions are located as follows:

GARRISON DITCH: NW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 32, T 39 S, R 2 W, W.M.;  
AND RILEY-PHILLIPS DITCH: SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 32, T 39 S, R 2 W, W.M..

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:

SE $\frac{1}{4}$  NE $\frac{1}{4}$  7.5 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  19.0 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  30.14 ACRES

SECTION 29  
TOWNSHIP 39 SOUTH, RANGE 2 WEST, W.M.



NW¼ SW¼ 4.0 ACRES  
SECTION 28  
TOWNSHIP 39 SOUTH, RANGE 2 WEST, W.M.

This certificate corrects a scrivener's error in the certificate recorded at page 43583, State Record of Water Right Certificates. Certificate 43583 incorrectly described the point of diversion for the portion of the water right not modified by the order approving Transfer 3225. This certificate contains the corrected point of diversions, and supersedes Certificate 43583.

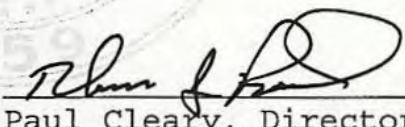
This certificate describes that portion of the water right confirmed by Certificate 43583, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 24 2003, approving Transfer Application 8765.

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 above purpose is restricted to beneficial use on the lands or place of use described.

The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources  
Director, affixed JUL 24 2003.

  
Paul Cleary, Director

Recorded in State Record of Water Right Certificates numbered 80378.



T.39S., R.2W., W.M.

T-8765

**WATER RIGHT APPLICATION**

KATHY L. DEAN  
71 YALE CREEK RD.  
JACKSONVILLE, OR.  
97530-934

**RECEIVED**

APR 19 2001

WATER RESOURCES DEPT  
SALEM, OREGON

Scale: 1" = 1000'  
April 5, 2001



29

0.86 AC To BE  
TRANSFERRED FROM

Fd BC  
1/4 Cor.

LITTLE

APPLEGATE RD

LITTLE  
RIVER

APPLEGATE

Spoken  
Ditch?

POD BRIDGE No. 502  
Ditch (West Side  
Yale Creek)

KATHY L. DEAN  
INS # 99-41390  
TAX LOTS 701, 301 & 302

5/8" Pin

EXISTING DITCH, PIPELINE  
FLUME

F.S.  
11252

0.18 AC. NW-NE  
0.39 AC SW-NE  
0.29 AC SW-NE  
TRANSFERRED TO

POD RILEY-PHILLIPS DITCH  
EAST SIDE OF YALE CREEK  
S1433.6' W316' FROM NE  
COR. W 1/2 NE 1/4 SEC. 32

THOMAS W. RUSSELL &  
F. CHRISTIE RUSSELL  
INS # 95-34212 TAX LOTS  
204 & 207

32

POD GARRISON DITCH  
(WEST SIDE OF YALE CREEK)

NOTE: CERTIFICATE SHOULD HAVE LISTED  
THE POB IN THE SW 1/4 OF THE  
NE 1/4 SEC 32 FOR THE RILEY-PHILLIPS DITCH





RECEIVED

## 4. PROPOSED CHANGES TO THE WATER RIGHT

APR 9 2001

☐ Change in Use:

Proposed use:

- NA -

WATER RESOURCES DEPT  
SALEM, OREGON☐ Change in Point of Diversion or Point of Appropriation:☒ ChangeOld point of diversion or  
point of appropriation will not  
be used for this portion of  
the water right.☐ AdditionalBoth old and new points of  
diversion or points of appro-  
priation will be used for this  
portion of the water right.

## Location of Proposed Point of Diversion or Point of Appropriation

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
NO CHANGE				

☒ Change in Place of Use:

## Location of Proposed Place of Use

Township	Range	Section	Government Lot or DLC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
39S	2W	32		NW-NE	204/207	0.18
39S	2W	32		SW-NE	204/207	0.39
39S	2W	32		SW-NE	204	0.29

Remarks: PROPOSED PLACE OF USE IS IMMEDIATELY  
APPROXIMATE TO THE (EXISTING) POINT OF  
DIVERSION. USE TO BE IRRIGATION OF  
FENCED PASTURE BY MOVABLE SPRINKLER(S).



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION  
OF HARVEY W. ROBERTSON FOR THE }  
APPROVAL OF A CHANGE IN PLACE OF }  
USE OF WATER FROM YALE CREEK }

ORDER APPROVING  
TRANSFER NO. 3225

On May 12, 1975, Harvey W. Robertson filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Yale Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Cora B. Crump, administratrix of Estate of J. F. Crump, and recorded at Page 16415, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.75 cubic foot per second of water from Yale Creek for the irrigation of, among other lands, 0.4 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 39 South, Range 2 West, W.M., with a date of priority of 1865. These lands are irrigated from a point of diversion located 350 feet South and 850 feet West from the East quarter-corner of Section 29, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, Township 39 South, Range 2 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to another 0.4 acre tract in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 39 South, Range 2 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.



Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

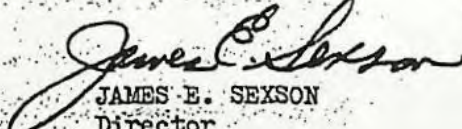
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 0.4 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 39 South, Range 2 West, W.M., with a date of priority of 1865, be severed therefrom and simultaneously and without loss of priority transferred to another 0.4 acre tract in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 39 South, Range 2 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1977.

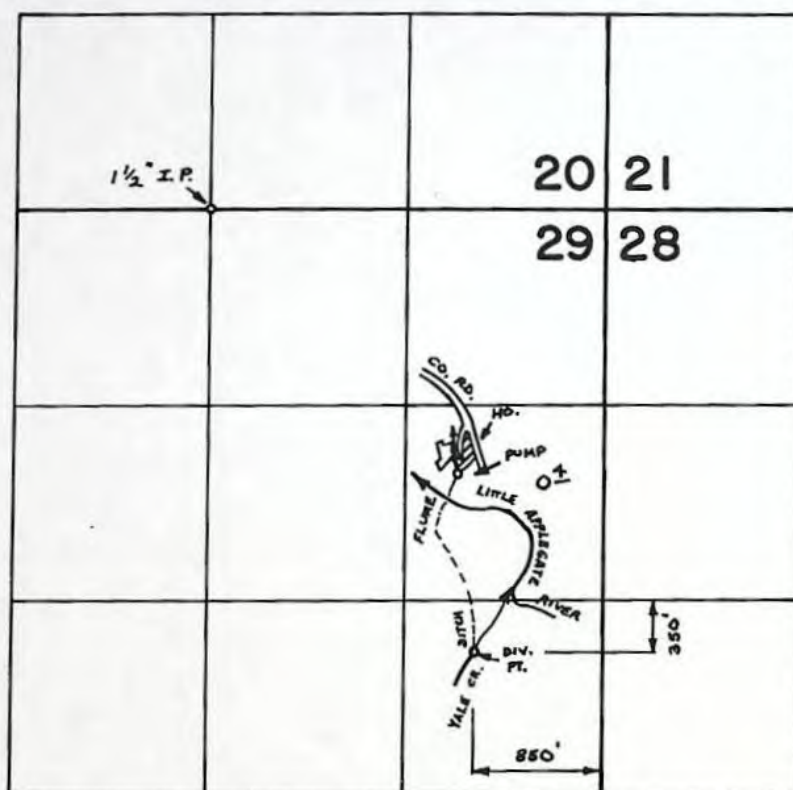
It is FURTHER ORDERED that certificate of water right heretofore issued to Cora B. Crump, administratrix of Estate of J. F. Crump, deceased, and recorded at Page 16415, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Harvey W. Robertson confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 20th day of April, 1976.

  
JAMES E. SEXSON  
Director



T. 39 S., R. 2 W., W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 3225

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_

IN NAME OF

**HARVEY W. ROBERTSON**

Surveyed OCT. 9 1978, by B. SUND

D.H.M.  
P.T.S. - 1978 - 14 - D



10-1-13 W.A.  
PTS-1478-14-D

Transfer No. 3225 County Jackson

1. Name Harvey W. Robertson Address 6268 Little Applegate Road, Jacksonville, Oregon 97530

2. Source of Supply Yale Creek, Trib. of LITTLE APPLEGATE RIVER

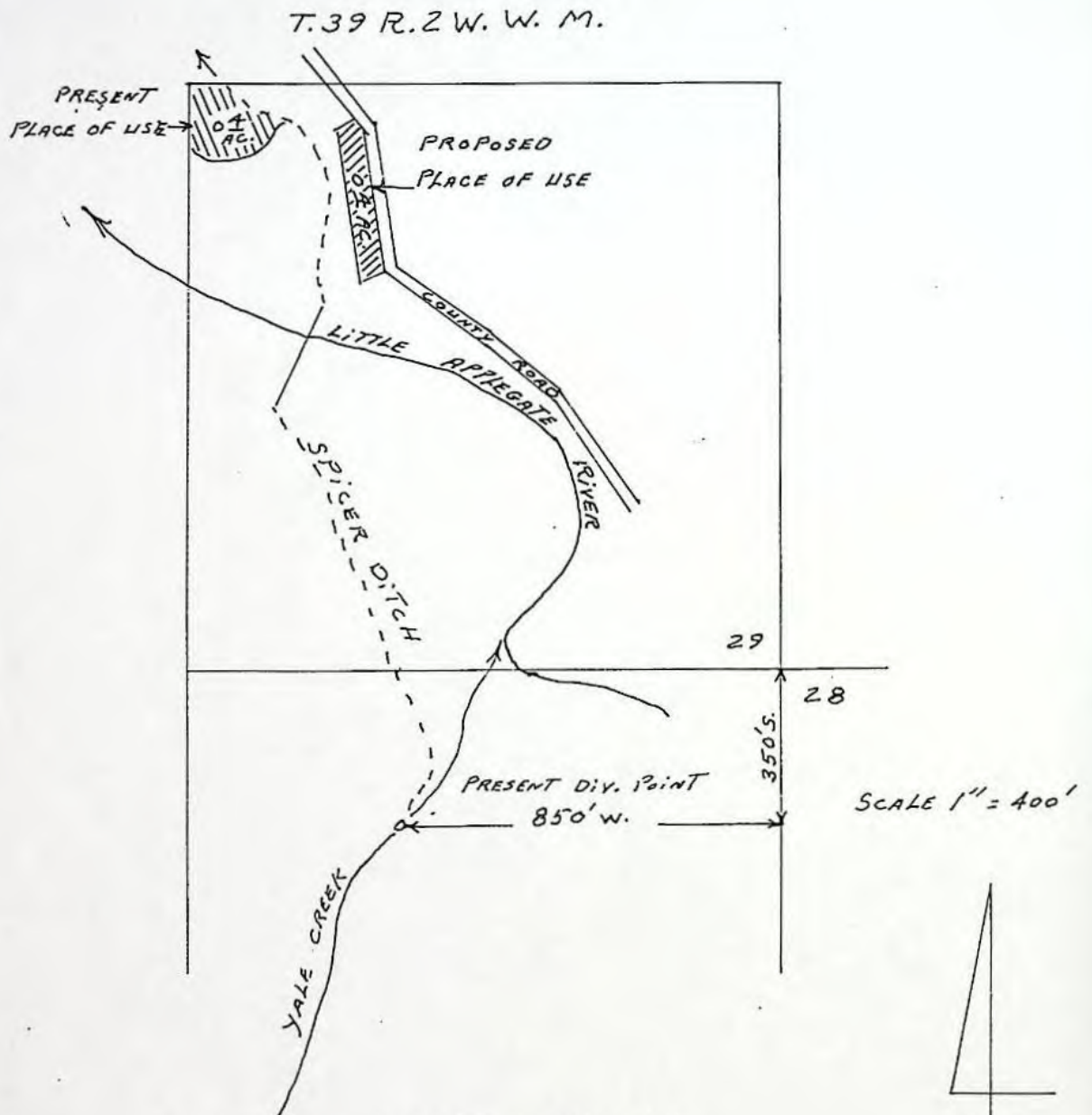
3. Amount of Water 0.75 cfs Priority Date 1865

4. Use irrigation of 0<sup>±</sup> A.C.

5. Proposed Point of Diversion 350' S. & 850' W. FROM E. 1/4 COR., SEC. 29, N.E. 1/4 S.E. 1/4, SEC. 29, T. 39 S., R. 2 W., W.M.

[illegible]





MAP TO ACCOMPANY APPLICATION OF  
 HARVEY W. ~~ROBERTSON~~ ROBERTSON  
 FOR CHANGE IN PLACE OF USE.



T-2275



RECEIVED

1-3225

MAY 12 1975  
STATE ENGINEER  
SALES DIVISION

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Harvey W. Robertson  
(Name of applicant)  
Jacksonville,  
 of 6268 Little Applegate Road, /, County of Jackson  
(Postoffice)  
 State of Oregon 97530, do hereby make application for change in place of use.

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

- The source of present water right is Yale Creek.  
(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 Spicer Ditch.
- The point of diversion is located 350 ft. S. and 850 ft. W. from the NE 1/4  
(N. or S.) (E. or W.)  
 corner of Section 29 being within the NE 1/4 SE 1/4  
(Section or subdivision)  
 of Section 29 Tp. 39 S. R. 2 W. W. M., in the County of Jackson.  
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
39 S.	2W.	29				C. 4												

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

(Attach separate sheet if necessary)

- 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? 1865.
- Was your water right acquired by State Engineer's Permit? No. If so, give number  
(Yes or No)  
 of permit none.



TOWNSHIP 13, RANGE 4 W, W. M. CURD No. 1 SECTION 47

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NI	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
		25										2				Decree, Vol 4 Page 30		16393
																Decree, Vol 4 Page 30		<del>16400</del>
85	35															Decree, Vol 4 Page 30		16403
		25										2				Supplemental Decree, Vol 4 Page 31		16393
		75										Power 31	19			Decree, Vol 4 Page 31		16415
													25			Decree, Vol 4 Page 31		16418
10	5															Decree, Vol 4 Page 31		16419
x																4977	2971	10717
x																4977	2971	10718
													20			7639	4909	10521
x																11074	7713	9201
x																13134	9389	24479
x																13542	9860	12319

TOWNSHIP 39s, RANGE 2W, W. M. Card No. 2 SECTION... 29

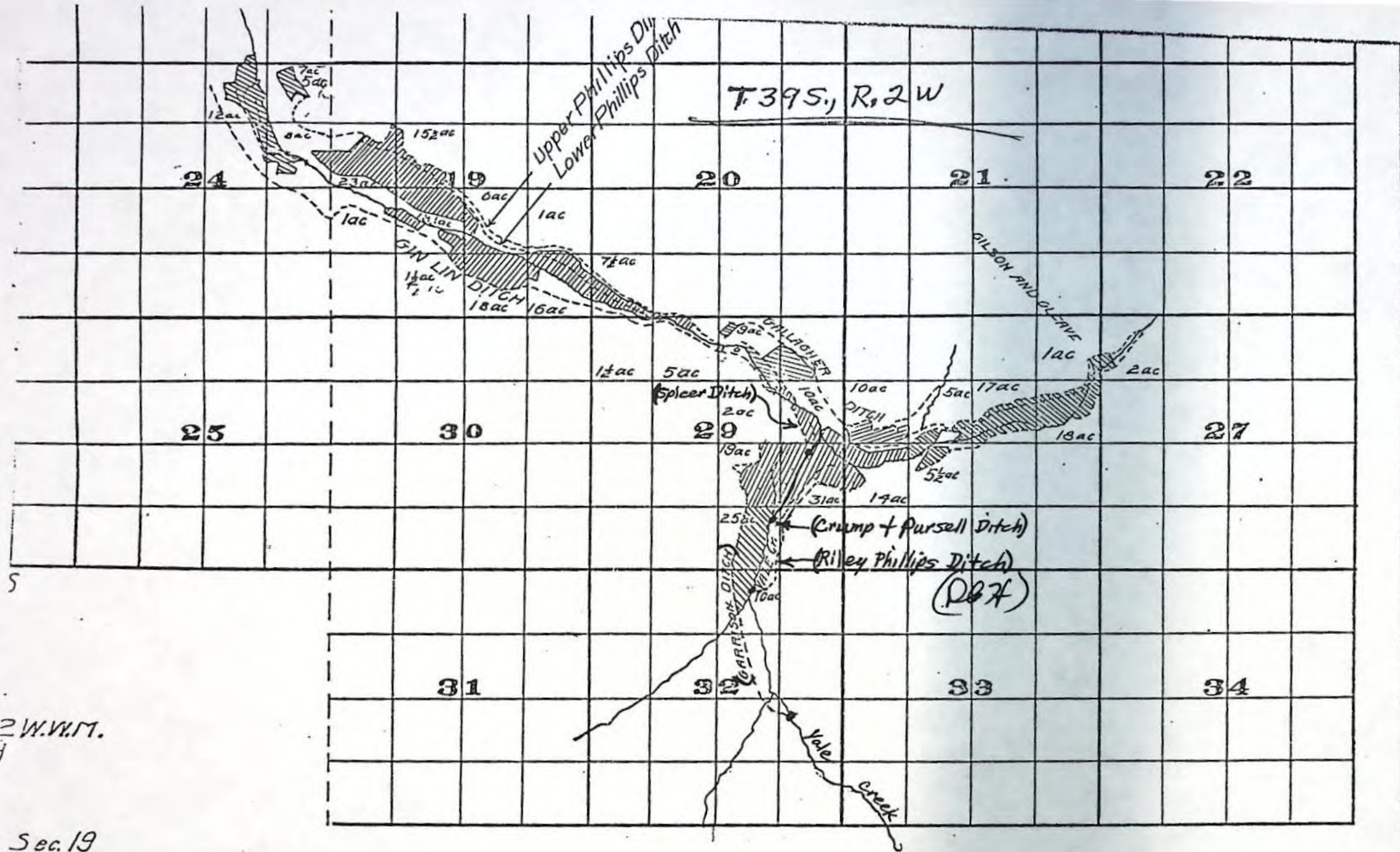
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Survey 29, Area 4, April - September, 1917

FROM OFFICE OF THE MASTER, U. S. CUSTOMS, SALEM, OREGON





W.W.M.

Sec. 19

153

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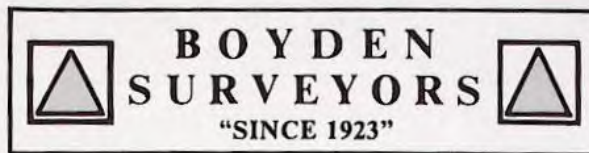
APR 16 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

1-a.  
Crumpp  
Yale Creek  
RR Decree  
Page 31 Col.

141





T-8765

MARK E. BOYDEN  
R.P.L.S. ORE. 281  
108 MISTLETOE ST., MEDFORD, OREGON 97501  
PHONE (503) 773-6000

March 21, 2001

Oregon Water Resources Department  
Water Rights Division  
Commerce Building  
158 12<sup>th</sup> Street, NE  
Salem, OR 97310-0210

Re: Application to change the point of use of 0.86 acres of water right, from the Kathy L. Dean property, to the upstream property of Thomas W. Russell property, using the same Point of Diversion from the dam across Yale Creek on the Russell property located in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 32, Township 39 South, Range 2 West, W.M., Jackson County, Oregon.

Dear Water Right Division Examiners,

This letter is to supplement the enclosed transfer application of Kathy L. Dean and the "Declaration" of Thomas W. Russell.

We performed the E.D.M. field survey for the desired irrigated areas proposed to be transferred from the Dean property to the Russell property on June 14, 2000. After calculating the desired areas, we prepared maps of the two parcels proposed to be irrigated. (See Exhibits "A" & "B").

On September 13, 2000, we performed the E.D.M. field survey of the portion proposed to be excepted from the Dean water right. At a later time, the location of the 0.86-acre tract was slightly changed after the construction of a new road from Yale Creek Road to the barn to assist in isolating the irrigation lying uphill from said exception tract (See Exhibit "C").

Prior to submittal of this transfer, we contacted Mrs. Susan DeHaas in the Jackson County Watermaster's office. She indicated that the Certificate of Water Right issued on August 30, 1976, and recorded in Volume 35, Page 43583 (See Exhibits "D" & "E") has incorrectly shown the Point of Diversion of the Riley Phillips ditch in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 29, T. 39 S., R. 2 W., W.M. instead of the actual location in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 32, said Township and Range.

The purpose of this application is to show a history of said Riley Phillips ditch and dam, and its use since February 26, 1908 (See Exhibits "F" & "G").

On January 12, 2001, following the advice of Susan DeHaas, Mr. Russell and I photo-identified the three dams across Yale Creek on Mr. Russell's "Declaration" shown on his Exhibits 4 and 6.

The approximate elevations shown on said Exhibit 4 indicate the "Garrison" and "Bridge No. 502" ditches run West from Yale Creek and could not commingle with the Riley Phillips ditch that runs Easterly from Yale Creek. (See Elevations A, B, & C shown on Exhibit 4 of the Thomas "Declaration").

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SALEM

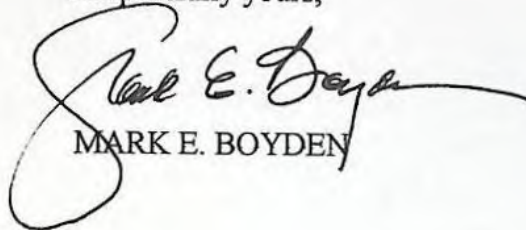


7-8765

Please find enclosed a print of our mylar map showing details of this proposed water right transfer.

We are hopeful that this information will be adequate to correct this water right certification error (Exhibit "D") and allow a better utilization of this 0.86-acres from the Dean property to the Russell property.

Respectfully yours,

  
MARK E. BOYDEN

Enclosure

MEB/sb

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WATER RESOURCES DEPT.  
SALEM, OREGON



T-8765

EXHIBIT (A)

NW 1/4 NE 1/4  
Sec. 32

SW 1/4  
NE 1/4  
Sec. 32

PASTURE WITHIN FENCE

0.57 Ac. ±

0.39 Ac. ±

0.18 Ac. ±

Lot 204

207

Tax

Lot

Tax

Tax Lot  
204

NOTE: THE POINT OF  
DIVERSION FOR THE IRRIGATION  
DITCH FROM CALE CREEK AT THE  
DAM CALCULATES SOUTH, 1433.6 FEET  
AND WEST, 316' FROM THE EAST 1/16 CORNER  
COMMON TO SECTIONS 29 & 32,  
T. 39 S. R. 2 W., W. M., JACKSON  
COUNTY, OREGON  
(F.S. NO. 11252.)

SCALE: 30 ft/in 176.00 in/mi

Mapping North area

PRELIMINARY SURVEY  
OF IRRIGATED AREAS WITHIN  
THE TOM RUSSELL PROPERTY  
IN SEC. 32, T. 39 S. R. 2 W., W. M.  
JACKSON COUNTY, OR.

BY: BOYDEN SURVEYORS.

JUNE 17, 2000.

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APR 19 2001

WATER RESOURCES DEPT  
SALEM, OREGON

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

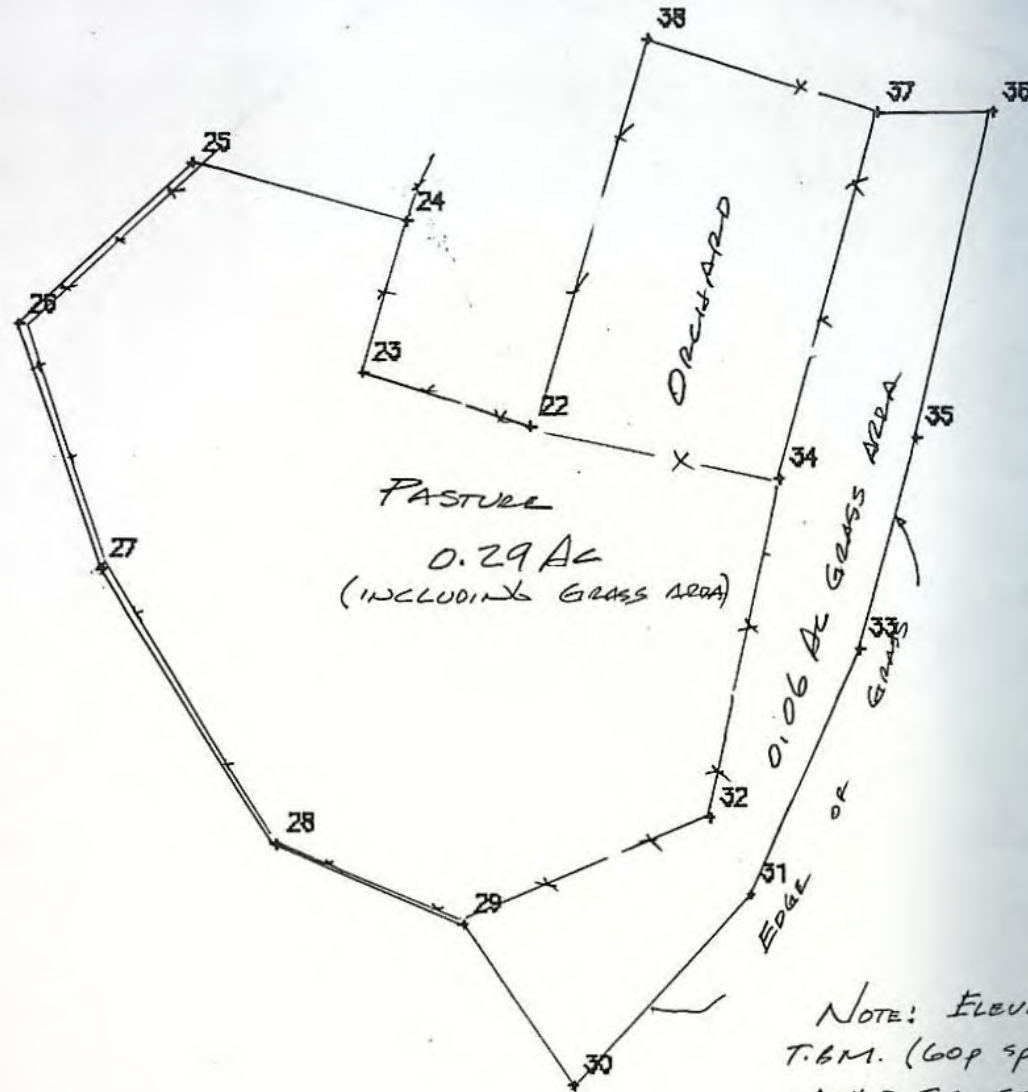
Mark E. Boyden

OREGON  
NOV. 9, 1901  
MARK E. BOYDEN  
281

Expires: 12/31/01.



EXHIBIT **B**



NOTE: ELEVATION OF  
T.B.M. (60P SPIKE IN 54" BASE  
40" D. FILL STUMP) = 2100.3'  
BRANCH MARK 0.74' FEET ABOVE  
FLOOR OF PUMP HOUSE  
= 1996.0' (DARRELL  
EDWARDS  
DATUM)

Mapping South area

SCALE: 30 ft/in 176.00in/mi

PRELIMINARY SURVEY  
OF IRRIGATED AREAS WITHIN  
THE TOM RUSSELL PROPERTY  
IN SEC. 32, T.39S.R.2W,  
W.M., JACKSON COUNTY, OR.

BZ: BOYDEN SURVEYORS.

JUNE 17, 2000

T-8765

RECEIVED  
APR 19 2001  
WATER RESOURCES DEPT.  
SALEM, OREGON

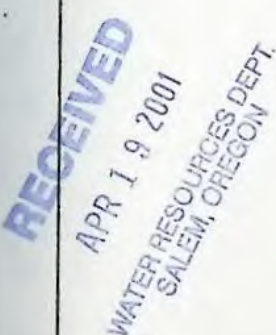
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Mark E. Boyden*  
OREGON  
NOV. 9, 1991  
MARK E. BOYDEN  
281

EXPIRES: 12/31/01.



T-8765



SCALE: 100 ft/in 52.80in/mi

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Mark E. Boyden*

OREGON  
NOV. 9, 1991  
MARK E. BOYDEN  
281

Expires: 12/31/01.



EXHIBIT (D)

COCKY 13-11-3

T-8765  
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APR 19 2001

WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON

COUNTY OF JACKSON

59.  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That

CORA B. CRUMP, ADMINISTRATRIX OF THE  
ESTATE OF J. F. CRUMP, DECEASED

of Dunsmuir  
a right to the use of the waters of  
Yale Creek, or Right Fork of Little Applegate River

, State of Oregon, 97530 , has

a tributary of Applegate River for the purpose of  
irrigating 61.1 acres and the development of 4 horsepower

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Jackson County, and the said decree entered of record at Salem, in the Order Record of  
the WATER RESOURCES DIRECTOR, in Volume 4 , at page 1 ; that the priority of the  
right thereby confirmed dates from 1865 for 0.74 c.f.s. for irrigation of 29.6 acres;  
1880 for 0.63 c.f.s. for irrigation of 25.0 acres; 1907 for 0.16 c.f.s. for \*  
that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed 1.68 cubic feet per  
second.

\* irrigation of 6.5 acres, domestic and stock use; and 1907 for 0.15 c.f.s.  
for Farm Power Wheel

The point of diversion is located in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 29, T. 39 S., R. 2 W., W. M.

Error

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

7.1 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
19.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
31.0 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 29  
4.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 28  
T. 39 S., R. 2 W., W. M.

An order of the Water Resources Department entered April 20, 1976 approved a  
change in place of use for the irrigation of 0.4 acres. This certificate is  
issued to confirm the remaining right not involved in the change and  
supersedes the certificate heretofore issued to Cora B. Crump, Administratrix  
of the Estate of J. F. Crump, deceased, recorded at Page 16415, Volume 13,  
State Record of Water Right Certificates.

And said right shall be subject to all other conditions and limitations contained in said decree.  
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described, and is subject to the existing minimum flow policies established  
by the Water Policy Review Board. WITNESS the signature of the Water Resources Director, affirmed

this date August 30 , 1976 .

James E. Saxson  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 35 , page 43583

Little Applegate R. Co



tion of place of use: 25 acres in NW¼ NW¼; Sec. 19, Tp. 39 S. R. 2 W. W. M., and in SE¼SE¼; Sec. 13; Tp. 39 S. R. 3 W. W. M., Jackson County, Oregon.

16405 Priority 1885; 0.38 second foot; for Irrigation of 15 acres; Sterling ditch; Description of place of use: 15 acres in NW¼ SW¼; and SW¼NW¼; Sec. 19; Tp. 39 S. R. 2 W. W. M., Jackson County, Oregon.

16405 Priority 1892; 0.60 second foot; for Irrigation of 24 acres; Sterling ditch; Description of place of use: 12 acres in SW¼ SW¼; 12 acres in SW¼NE¼; Sec. 18; Tp. 39 S. R. 2 W. W. M., Jackson County, Oregon.

16405 Priority 1893; 0.20 second foot; for Irrigation of 8 acres; Sterling ditch; Description of place of use: 8 acres in SW¼ SW¼; Sec. 17; Tp. 39 S. R. 2 W. W. M., Jackson County, Oregon.

16405 Priority 1908; 0.13 second foot; for Irrigation of 5 acres; Sterling ditch; Description of place of use: 5 acres in SW¼ NW¼; Sec. 18; Tp. 39 S. R. 2 W. W. M., Jackson County, Oregon.

16405 Priority 1908; 0.30 second foot; for Irrigation of 12 acres; Sterling ditch; Description of place of use: 12 acres in NW¼ NW¼; Sec. 17; Tp. 39 S. R. 2 W. W. M., Jackson County, Oregon.

16406 H. H. TAYLOR, Ruch, Ore., (Proof 940, Vol. 13); Priority 1854; 0.38 second foot; for Irrigation of 19 acres, and Domestic and Stock use; Farmers ditch; Description of place of use: 19 acres in NE¼ NE¼; Sec. 4; Tp. 39 S. R. 3 W. W. M., Jackson County, Oregon.

16407 GEORGE WOLF, Ruch, Ore., (Proof 941, Vol. 13); Priority 1854; 0.20 second foot; for Irrigation of 8 acres, and Stock use; Farmers ditch; Description of place of use: 6 acres in SW¼NW¼; 2 acres in SE¼NW¼; Sec. 3; Tp. 39 S. R. 3 W. W. M., Jackson County, Oregon.

#### MCCORMICK GULCH,

A Tributary of Left Fork of Little Applegate River.

16393 CORA B. CRUMP, Administratrix of Estate of J. F. Crump, deceased, Buncom, Ore., (Proof 942, Vol. 13); Priority 1897; 0.37 second foot; for Irrigation of 14½ acres, and Domestic and Stock use (supplementary); McCormick Gulch ditch; To supplement appropriation for lands under Gilson & Gleave ditch from Little Applegate River as above described.

#### BIRCH OR MUDDY CREEK,

A Tributary of Left Fork of Little Applegate River.

16408 CLINT GALLATIN, Buncom, Ore., (Proof 953, Vol. 13); Priority 1902; 0.20 second foot; for Irrigation of 8 acres, and Domestic and Stock use; Gallatin ditch; Description of place of use: 6 acres in SW¼SW¼; Sec. 13; 1 acre in SE¼SE¼; Sec. 14; 1 acre in NW¼NW¼; Sec. 24; Tp. 39; S. R. 2 W. W. M., Jackson County, Oregon.

16409 NELSON PURSEL, Buncom, Ore., (Proof 954, Vol. 13); Priority 1890; 0.38 second foot; for Irrigation of 15 acres, and Domestic and Stock use; Pursel ditch; Description of place of use: 15 acres in NW¼ NW¼; Sec. 19; Tp. 39 S. R. 2 W. W. M., Jackson County, Oregon.

SE¼SE¼; Sec. 23; Tp. 39 S. R. 2 W. W. M., Jackson County, Oregon.

#### RUSH CREEK,

A Tributary of Left Fork Little Applegate River.

16410 N. D. BROPHY, Medford, Ore., (Proof 955, Vol. 13); Priority 1881; 0.13 second foot; for Irrigation of 5 acres, and Domestic and Stock use; Mathes ditch; Description of place of use: 5 acres in NE¼ SW¼; Sec. 19; Tp. 39 S. R. 1 W. W. M., Jackson County, Oregon.

16411 GEO. E. TRASK, Talent, Ore., (Proof 956, Vol. 13); Priority 1883; 0.40 second foot; for Irrigation; of 16 acres; Trask ditch; Description of place of use: 16 acres in NW¼; Sec. 30; Tp. 39 S. R. 1 W. W. M., Jackson County, Oregon.

#### WOLF CREEK, (GULCH)

A Tributary of Left Fork of Little Applegate River.

16412 W. O. GARRETT, Buncom, Ore., (Proof 957, Vol. 13); Priority 1895; 0.25 second foot; for Irrigation of 10 acres, and Domestic and Stock use; Garrett ditch; Description of place of use: 8 acres in NE¼SW¼; 2 acres in NW¼SW¼; Sec. 22; Tp. 39 S. R. 2 W. W. M., Jackson County, Oregon.

#### GREELEY CREEK,

A Tributary of Little Applegate River.

16413 E. K. ANDERSON, Ashland, Ore., (Proof 958, Vol. 13); Priority 1875; 0.40 second foot; for Irrigation of 20 acres, and Domestic and Stock use; Horace Greeley ditch; Description of place of use: 20 acres in E½E½NW¼; and W½NE¼; Sec. 34; Tp. 39 S. R. 1 W. W. M., Jackson County, Oregon.

16414 WELBORN BEESON, Talent, Ore., (Proof 959, Vol. 13); Priority 1897; 0.40 second foot; for Irrigation of 20 acres; Greeley ditch; Description of place of use: 10 acres in NE¼SW¼; 10 acres in SW¼SW¼; 5 acres in SE¼SW¼; Sec. 34; Tp. 39 S. R. 1 W. W. M., Jackson County, Oregon.

#### YALE CREEK, OR RIGHT FORK OF LITTLE APPELGATE RIVER.

16415 CORA B. CRUMP, Administratrix of Estate of J. F. Crump, deceased, Buncom, Ore.; Proofs 943, 946, Vol. 13); Priority 1865; 0.75 second foot; for Irrigation of 30 acres; Priority 1880; 0.63 second foot; for Irrigation of 25 acres; Priority 1907; 0.16 second foot; for Irrigation of 6½ acres; and for Domestic and Stock use; Riley Phillips, Garrison, Spicer, and Crump & Pursel ditches; Priority 1907; 0.15 second foot; for Farm Power Wheel (4 horsepower); Crump & Pursel ditch; Description of place of use: 7½ acres in SE¼ NE¼; 19 acres in NW¼SE¼; 31 acres in NE¼SE¼; Sec. 29; 4 acres in NW¼SW¼; Sec. 28; Tp. 39 S. R. 2 W. W. M., Jackson County, Oregon.

16416 VALENTINE COMBEST, Buncom, Ore., (Proof 947, Vol. 13); Priority 1906; 0.08 second foot; for Irrigation of 3 acres and Domestic and Stock use; Combest ditch; Description of place of use: 3 acres in NW¼NW¼; Sec. 19; Tp. 39 S. R. 2 W. W. M., Jackson County, Oregon.

(Proof 948, Vol. 13); Priority 1890; second foot; for Irrigation of 7 acres, Domestic and Stock use; Hall ditch; Description of place of use: 7 acres in NW¼; Sec. 10; Tp. 40 S. R. 2 W. W. M., Jackson County, Oregon.

16417 C. C. PURSEL, Buncom, Ore., (Proof 949, Vol. 13); Priority 1880; 0.88 second foot; for Irrigation of 35 acres, and Domestic and Stock use; Garrison ditch; Description of place of use: 25 acres in SW¼SE¼; Sec. 10 acres in NW¼NE¼; Sec. 32; Tp. 3 R. 2 W. W. M., Jackson County, Oregon.

16418 DORA M. SALTMARSH, Buncom, Ore., (Proof 950, Vol. 13); Priority 1885; 0.20 second foot; for Irrigation of 10 acres and Stock use; Spicer ditch; Description of place of use: 10 acres in NW¼NE¼; 5 acres in SW¼NE¼; Sec. 29; Tp. 39 S. R. 2 W. W. M., Jackson County, Oregon.

16419 CARL J. SCHMIDT, Buncom, Ore., (Proof 951, Vol. 13); Priority 1891; 0.1 second foot; for Irrigation of 25 acres and Domestic and Stock use; Schmidt ditch No. 1; Description of place of use: 25 acres in SE¼NE¼; Sec. 4; Tp. 40 S. R. 2 W. W. M., Jackson County, Oregon.

#### QUARTZ GULCH,

A Tributary of Yale Creek.

16420 CARL J. SCHMIDT, Buncom, Ore., (Proof 952, Vol. 13); Priority 1903; 0.1 second foot; for Irrigation of 18 acres, and Domestic and Stock use (supplementary); Schmidt ditch No. 2; Description of place of use: 18 acres of the lands described above as irrigated from Schmidt ditch No. 1, Jackson County, Oregon.

#### SLAGLE CREEK, (Josephine)

A Tributary of Applegate River.

16421 H. M. BLAND, Grants Pass, Ore., (Proof 960, Vol. 14); Priority 1870; 0.12 second foot; for Irrigation of 6 acres, and Domestic use; Bland ditch; Description of place of use: 6 acres in SE¼NE¼; Sec. 32; Tp. 37 S. R. 4 W. W. M., Jackson County, Oregon.

16422 CHARLES BURKHALTER, Grants Pass, Ore., (Proof 961, Vol. 14); Priority 1888; 0.16 second foot; for Irrigation of 8 acres; Burkhalter ditch; Description of place of use: 8 acres in NW¼NE¼; Sec. 5; Tp. 38 S. R. 4 W. W. M., Jackson County, Oregon.

16423 A. W. GUTHRIE, Murphy, Ore., (Proof 962, Vol. 14); Priority 1877; 0.16 second foot; for Irrigation of 8 acres, and Domestic and Stock; Guthrie Ditch No. 1; Description of place of use: 4 acres in NW¼NW¼; Sec. 5; 4 acres in NE¼NE¼; Sec. 6; Tp. 38 S. R. 4 W. W. M., Jackson County, Oregon.

16424 (Proof 963, Vol. 14); Priority 1877; 0.10 second foot; for Irrigation of 4 acres domestic and stock; Guthrie Ditch No. 2; Description of place of use: 4 acres in SW¼SW¼; Sec. 32; Tp. 37 S. R. 4 W. W. M., Jackson County, Oregon.

16425 (Proof 964, Vol. 14); Priority 1877; 0.0 second foot; for Irrigation of 2 acres, Domestic and Stock; Guthrie ditch No. 3; Description of place of use: 2 acres in NW¼NW¼; Sec. 5; Tp. 38 S. R. 4 W. W. M., Jackson County, Oregon.



EXHIBIT (F)

103-457.

457

J. F. Crump et ux.

TO

Charles C. Pursel.

Kind of Instrument

DEED.

Consideration

\$ 6,000.00

STATE OF OREGON, } ss.  
County of Jackson, }

I hereby certify that the annexed instrument of writing was received and filed for record at 2 o'clock P.M. on the 10th day of January, 1914.

Frad L. Colvig---Recorder

By Deputy

KNOW ALL MEN BY THESE PRESENTS That I, J.F. Crump and Cora B. Crump, his wife, of Jackson County, Oregon, for and in consideration of the sum of six thousand (\$6,000.) dollars, to us in hand paid by Charles C. Pursel, and thereceipt of which is hereby acknowledged, do hereby sell, assign, transfer and convey to the said Charles C. Pursel, his heirs, successors in interest and assigns, the following described real property situated in the County of Jackson, State of Oregon, to-wit:

The east  $\frac{1}{2}$  of the North-west  $\frac{1}{4}$  and the west  $\frac{1}{2}$  of the northeast  $\frac{1}{4}$  of Section 32,

Township 39 South, Range 2 West of W.M.;

Also an undivided  $\frac{1}{2}$  interest in and to that certain water ditch and water right taken out of the west side of Little Applegate at a point south of the south line of the above described property, and which leads the waters of Little Applegate from said point of diversion down to and upon the lands above described and which said water ditch and water right are commonly known as the Garrison water ditch and water right.

The grantors reserve unto themselves, their heirs, successors in interest and assigns, the other one-half interest in and to said water ditch and water right;

Conveying herein also a  $\frac{1}{4}$  interest in and to that certain water ditch and water right recorded by J.F. Crump one of the grantors herein on the 9 day of February, 1908, and which said ditch is now under construction, and which ditch and water right is taken out of the east bank of said Little Applegate about the middle of the line of said stream, through the lands above described and at a point about one-half mile below the head of the ditch described above as the Garrison Ditch, which said ditch now under construction will lead the waters of Little Applegate from said point of diversion down to and upon the ranch commonly known as the Phil Gleave ranch, the grantors herein reserving unto themselves, their heirs, successors in interest and assigns, a  $\frac{3}{4}$  interest in and to the said ditch and water right;

Conveying herein also the south-west  $\frac{1}{4}$  of the south-east  $\frac{1}{4}$  of section 29, said township and range;

Also the east  $\frac{1}{2}$  of the northwest  $\frac{1}{4}$  and the west  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 32, in said township and range;

Also the north  $\frac{1}{2}$  of the southeast  $\frac{1}{4}$ , the south-west  $\frac{1}{4}$  of the south-east  $\frac{1}{4}$ , and the south-east  $\frac{1}{4}$  of the south-west  $\frac{1}{4}$  of section 32, said township and range.

Together with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, except as herein reserved.

TO HAVE AND TO HOLD the said lands and their appurtenances unto the said Charles C. Pursel, his heirs, successors in interest and assigns.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 26th day of February, 1908. All E & A. made before signing.

J.F. Crump

(SEAL)

Cora B. Crump SEAL

WITNESSES:

RECEIVED  
APR 19 2001  
WATER RESOURCES DEPT.  
SALEM, OREGON



Charles C. Pursel.

Consolidation  
\$ 6,000.00

Ernst L. Colvig--- Recorder  
By Deputy T-8765

KNOW ALL MEN BY THESE PRESENTS That I, J.F. Crump and Cora B. Crump, his wife, of Jackson County, Oregon, for and in consideration of the sum of six thousand (\$6,000.) dollars, to us in hand paid by Charles C. Pursel, and thereceipt of which is hereby acknowledged, do hereby sell, assign, transfer and convey to the said Charles C. Pursel, his heirs, successors in interest and assigns, the following described real property situated in the County of Jackson, State of Oregon, to-wit:

The east  $\frac{1}{2}$  of the North-west  $\frac{1}{4}$  and the west  $\frac{1}{2}$  of the northeast  $\frac{1}{4}$  of Section 32, Township 39 South, Range 2 West of W.M.;

Also an undivided  $\frac{1}{2}$  interest in and to that certain water ditch and water right taken out of the west side of Little Applegate at a point south of the south line of the above described property, and which leads the waters of Little Applegate from said point of diversion down to and upon the lands above described and which said water ditch and water right are commonly known as the Garrison water ditch and water right.

The grantors reserve unto themselves, their heirs, successors in interest and assigns, the other one-half interest in and to said water ditch and water right;

Conveying herein also a  $\frac{1}{2}$  interest in and to that certain water ditch and water right recorded by J.F. Crump one of the grantors herein on the 9 day of February, 1908, and which said ditch is now under construction, and which ditch and water right is taken out of the east bank of said Little Applegate about the middle of the line of said stream, through the lands above described and at a point about one-half mile below the head of the ditch described above as the Garrison Ditch, which said ditch now under construction will lead the waters of Little Applegate from said point of diversion down to and upon the ranch commonly known as the Phil Cleave ranch, the grantors herein reserving unto themselves, their heirs, successors in interest and assigns, a  $\frac{3}{4}$  interest in and to the said ditch and water right;

Conveying herein also the south-west  $\frac{1}{4}$  of the south-east  $\frac{1}{4}$  of section 29, said township and range;

Also the east  $\frac{1}{2}$  of the northwest  $\frac{1}{4}$  and the west  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 32, in said township and range;

Also the north  $\frac{1}{2}$  of the southeast  $\frac{1}{4}$ , the south-west  $\frac{1}{4}$  of the south-east  $\frac{1}{4}$ , and the south-east  $\frac{1}{4}$  of the south-west  $\frac{1}{4}$  of section 32, said township and range.

Together with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, except as herein reserved.

TO HAVE AND TO HOLD the said lands and their appurtenances unto the said Charles C. Pursel, his heirs, successors in interest and assigns.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 26th day of February, 1908. All E & A. made before signing.

WITNESSES:

C.L. Rennes

Peter Deisch.

J.F. Crump

SEAL

Cora B. Crump

SEAL

RECEIVED

APR 19 2001

WATER RESOURCES DEPT.  
SALEM, OREGON



	Kind of Instrument	STATE OF OREGON, } ss. County of Jackson, }
TO		I hereby certify that the annexed instrument of writing was received and filed for record at _____ o'clock _____ M. on the _____ day of _____ 191 .
	Consideration	Recorder
	\$ _____	By _____ Deputy

STATE OF OREGON, )  
:SS.  
COUNTY OF JACKSON, )

I HEREBY CERTIFY That before me, a Notary Public on this 26th day of February, 1908, personally appeared the within named J.F.Crump, and Cora B.Crump, his wife, each to me personally known to be the identical person named in and who in my presence executed the within instrument and then and there acknowledged to me that they and each of them executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my notarial seal the day and year in this certificate above written.

C. L. Reames

(Notarial seal of C.L.Reames)

Notary Public for Oregon.

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SALEM, OREGON



Warranty Deed, Joseph F. Garrison to Philip Gleave.

This Indenture Witnesseth, that I Joseph F. Garrison of Jackson County Oregon for the consideration of the sum of Two Thousand Dollars, to me paid, have bargained and sold, and by these presents do bargain, sell and convey unto Philip Gleave the following described premises, to wit: The North West quarter of the South West quarter of Section Twenty Eight (28) and the South East quarter of the North East quarter and North half of the South East quarter of Section Twenty nine in Township Thirty Nine (39) South of Range Two (2) West Containing 160 acres in Jackson County Oregon - being my Homestead entry. To have and to hold the said premises, with their appurtenances, unto the said Philip Gleave his heirs and assigns forever.

And the said Joseph F. Garrison does hereby covenant to and with the said Philip Gleave his heirs and assigns, that he is the owner in fee simple of said premises; that they are free from all incumbrances, and that he will warrant and defend the same from all lawful claims whatsoever. In Witness Whereof I have hereunto set my hand and seal this 21<sup>st</sup> day of January, A.D. 1882.

Done in presence of

Joseph H. Weyer

Henry Klippel

Joseph F. Garrison

Seal

State of Oregon, County of Jackson, ss

On this, the 21<sup>st</sup> day of January, A.D. 1882 personally came before me the County Clerk in and for said County, the within named Joseph F. Garrison to me personally known to be the identical person described in, and who executed the within instrument, and acknowledged to me that he executed the same freely for the uses and purposes therein contained. Witness my hand and official seal this 21<sup>st</sup> day of January, A.D. 1882.

L. S.

Henry Klippel

Filed for record Jan. 21<sup>st</sup> 1882

County Clerk



DECLARATION

T-8765

Because there is some confusion in the Records and Files pertaining to the Diversion Point for the Ditch used to carry irrigation water to what is now the Dean Property (previously owned by Dropkowitz), land which is a portion of what was once known as the "Phil Gleave Ranch", this Document will serve to establish that the correct historic and present actual Point of Diversion for that Ditch is as follows:

To the East out of Yale-Creek at a Dam on Section 32, T39S, R2W, that Dam on Yale-Creek located at a point approximately 1,600 feet South of the line common to Sections 29 and 32.

- (1) The earliest discovered reference to, and description of, the subject Ditch (therein-unnamed) and its associated Diversion is found in a \$6,000.00 Deed-of-Sale, J.F. Crump, et.al., to Charles C. Pursel; said Deed having been executed on February 26, 1908 and Recorded in Jackson County on January 10, 1914 (@Volume 103 Pages 457 & 458), which Deed now appears as part of the Officially-Recorded Title for the Russell Property, Assessor's Map T.39S, R.2W, Section 32 Lots 204 & 207. The fifth paragraph, therein, describes a "certain water ditch and water right....." earlier filed "which ditch is now under construction, and which ditch and water right is taken out of the east bank of said Little Applegate..." (emphasis added) "...at a point about one-half mile below the head of the ditch described as the Garrison Ditch, which said ditch now under construction will lead the waters of Little Applegate from said point of diversion down to and upon the ranch commonly known as the Phil Gleave ranch....." The references above to the "Little Applegate" must necessarily have been to what we now know as Yale-Creek; that by virtue of the survey references and the reference to the Garrison Ditch which in-fact diverts to the West off Yale-Creek just above Waters-Gulch and Yale-Beaver Road. (In earlier times, Yale-Creek was referred to as the "Right-Fork of the Little Applegate River".) The Diversion Point for the subject Ditch as described, qualified as being "about one-half mile below the head of .....the Garrison Ditch", places it almost exactly at the location of the existing Diversion Dam on the Russell Property, proximate to, and a few feet North of, the confluence of First-Water-Gulch and Yale-Creek on Section 32. A copy of this Deed is attached hereto as Exhibit-1.
- (2) The earliest map found showing the actual true and historic location of the Ditch in question is a map representing a Survey dated September 3, 4, & 5, 1914 by a Rhea Luper, traced by a person with the initials "J.D." on 4-6-1916; a copy of this map was obtained from the files of the local Watermaster's office. This map shows the Diversion Dam and Ditch as they existed at that time and as they exist today. On this map, the Ditch is referred to as the "Riley Phillips" Ditch; Riley Phillips was one of two brothers, old-timers who mined and farmed in the Little-Applegate - the name "Phillips" appears on several other ditches in the area. The above-mentioned map shows the Point of Diversion (a Dam) at a location in the NW1/4 of the NE1/4 of Section 32, on Yale-Creek approximately one-mile up from its confluence with the main stem of the Little Applegate. The Diversion, to the East Side of the Creek, is opposite, and immediately downstream from, the "mouth" of First-Water-Gulch. That is in fact where the Diversion Dam is now and always has

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been. At the time this Survey was done and the map drawn, there were apparently five active ditches on the lower reaches of Yale-Creek, on Sections 29 and 32. These were: (a) The Garrison Ditch, (b) the Spicer Ditch, (c) the Riley-Phillips Ditch, and two others, un-named, one which diverted to the West of Yale-Creek and one to the East. One of the two un-named ditches must necessarily have been the "Crump-Pursel" ditch, one of four named and specifically referred to in the 1919 Decree. A copy of this map is attached hereto as Exhibit-2.

An earlier map, representing a Survey by J.S. McMahan in May of 1910, shows what appears clearly to have been the Garrison Ditch as well as what appears to be the Spicer Ditch although neither is named thereon; It also shows a ditch that diverts to the West Side of Yale-Creek, running from about the middle of the SW1/4 of the SE1/4 of Section 29, alongside the Creek and to what looks like a spur-ditch which runs almost completely across the NW1/4 of the SE1/4 of Section 29; the main stem of that ditch, although it isn't totally clear on the map, appears to cross Yale-Creek to the East traversing the NW1/4 of the SE1/4 of Section 28, where it picks up the legend "Crump Ditch" and either ends near, or connects with, the Little Applegate. This latter course seems very unlikely. It is unclear whether or not the Ditch which is the subject of this Declaration appears at all on this 1910 map; it may have been intended to be the one shown as the "Crump Ditch", in which case it would not have been shown completely or accurately thereon. A copy of this earlier (1910) map is attached hereto as Exhibit-3.

As inspected in January of 2001 by Mark Boyden, in the company of the undersigned, there is a pair of concrete abutments on the SW1/4 of the SE1/4 of Section 29, just below (downstream" of) County Bridge #502 on Yale-Creek Road, which would have provided support for a seasonal board-plank dam diverting water into a gravity-flow ditch along the West Bank of Yale-Creek; this ditch seems to appear on both of the above maps. Although we did not go onto the property, further downstream 100 to 200 yards, there is also an old tree-line appearing to mark what may be (or may have been) another gravity-flow ditch extending for a short distance parallel to the East Bank of Yale-Creek; this ditch does not appear to show on the McMahan map. *Both of these features are and would have been consistent with the 1914 Luper map.*

It should be pointed out, as well, that the McMahan map more accurately shows the diversion point for the Garrison-Ditch, that point correctly being above (upstream from) the confluence of Yale-Creek and Waters-Gulch, than does the Luper map. The Luper map shows the Garrison-Ditch being diverted out of Yale-Creek on the NW1/4 of the NE1/4 of Section 32, just above and upstream of First-Water-Gulch and well below (that is downstream of) the true point of diversion, which is in fact to the West out of Yale-Creek upstream from the mouth of Waters-Gulch on the NE1/4 of the SE1/4 of Section 32.

- (3) The subject Ditch is a gravity-flow conveyance and as a matter of practicality must have its intake at a point of elevation higher than the point to which the water is delivered. A study of the topography shows that the intake source or Point of Diversion from Yale-Creek into the subject Ditch would have to have been on Section 32 or further upstream in order to meet this elevation requirement; at all

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points on Section 29, Yale-Creek runs well below (50 to 100 Feet lower than) the elevation at the "Point of Delivery" from the Ditch onto the North-East-Quarter of the South-East-Quarter of Section 29. A copy of the pertinent portion of the USGS Topographical Survey Map is attached hereto as Exhibit-4.

JACKSON COUNTY

- (4) Aerial File Photos taken by/for ~~BLM~~ indicate a watered line of vegetation running generally North/South from a point immediately to the East of Yale-Creek near the middle of the West Half of the North-~~West~~<sup>EAST</sup> Quarter of Section 32 and continuing to the historical point of delivery, that being onto the North-East-Quarter of the South-East Quarter of Section 29 in the above-said township and range. This line of vegetation is consistent with the herein-claimed historical (and present) location of the Diversion and the course of the Ditch and was used by OWRD in a memorandum dated January 13, 1999 to argue the extent of the Water-Right served by this same Ditch and Dam. A copy of this memo is attached hereto as Exhibit-5 and a copy of a portion of the Aerial Photo is as Exhibit-6.
- (5) A photo included in the Book "Buncom: Crossroads Station" by Fowler and Roberts, 1995) Figure 5-2, shows an earlier implementation of the present elevated flume, carrying water for the subject Ditch, high on the East bank of Yale-Creek on property on Section 32. The Flume shown in the photo was built out of a combination of logs and milled lumber and was supported off a poured-concrete pier. A portion of the Flume shown in the Photo has since been replaced by an open steel-pipe, supported off what is clearly the same concrete pier. The book photo confirms the location of the Ditch to have been precisely where it is now, as-of the date that photo was taken, and requires that the Point of Diversion for said Ditch be to the South (that is "upstream") of that pictured section of Flume, which is the case argued herein. A copy of the referenced photo is attached hereto as Exhibit-7.
- (6) Reports and records of certain Government entities (incl. OREGON STATE DEPARTMENT OF FISH & WILDLIFE, US BUREAU OF LAND MANAGEMENT, and the US BUREAU OF RECLAMATION) show the existence of the Diversion Dam on Section 32 at the one-mile marker on Yale-Creek Road; this Dam diverts water solely to the Subject Ditch:
  - (a) ODFW installed and has continuously maintained the Paddle-Wheel Fish Screen on the subject Ditch immediately below the Diversion (Dam). Jerry Budziak, who has for years serviced this screen, confirmed the Diversion Dam and Fish Screen have been in place as long as he has been around (more than 20 years). He recalled the installation of a Rock Gabeon below the Dam in the 1970's; this was washed out in the '96-'97 flood. In 1998, he participated in ODFW's installation of the aluminum Fish Ladder currently attached to the lower side of the Dam.
  - (b) BLM Participated with ODFW in the installation of the Fish Ladder in 1998 and assisted later in a year-2000 GPS Mapping survey performed by the Bureau of Reclamation of the Dam Site for BLM.
  - (c) A computerized file downloaded from the Oregon State Water Resources Department shows graphically a Diversion point (mark numbered "50") on

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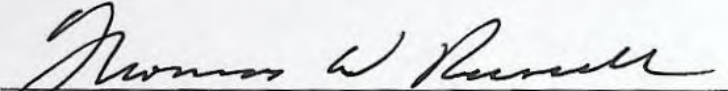
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7-8765

Section 32 to the East side of Yale-Creek although the location shown is somewhat displaced (approximately 500 ft.) relative to First-Water-Gulch, and is, therefore, noticeably mis-located to the north of (that is downstream from) the actual location of the subject Diversion. A copy of a printed map showing the pertinent portion of this file is included as Exhibit-8.

Prepared and attested to by the undersigned:

  
Thomas W. Russell

Date: 8 March 2001

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EXHIBIT-1 COPY OF DEED OF SALE, CRUMP TO PURSEL

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J.F. Crump et al.		Kind of Instrument	STATE OF OREGON
TO		Consideration	County of Jackson
Charles C. Pursel,		\$ 6,000.00	By Fred H. Colvig, Recorder

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KNOW ALL MEN BY THESE PRESENTS That I, J.F. Crump and Cora B. Crump, his wife, of Jackson County, Oregon, for and in consideration of the sum of six thousand (\$6,000.) dollars, to us in hand paid by Charles C. Pursel, and thereceipt of which is hereby acknowledged, do hereby sell, assign, transfer and convey to the said Charles C. Pursel, his heirs, successors in interest and assigns, the following described real property situated in the County of Jackson, State of Oregon, to-wit:

The east  $\frac{1}{2}$  of the North-west  $\frac{1}{2}$  and the west  $\frac{1}{2}$  of the northeast  $\frac{1}{2}$  of Section 32 Township 39 South, Range 2 West of W.M.;

Also an undivided  $\frac{1}{2}$  interest in and to that certain water ditch and water right taken out of the west side of Little Applegate at a point south of the south line of the above described property, and which leads the waters of Little Applegate from said point of diversion down to and upon the lands above described and which said water ditch and water right are commonly known as the Garrison water ditch and water right.

The grantors reserve unto themselves, their heirs, successors in interest and assigns, the other one-half interest in and to said water ditch and water right;

Conveying herein also a  $\frac{1}{2}$  interest in and to that certain water ditch and water right recorded by J.F. Crump one of the grantors herein on the 9 day of February, 1908, and which said ditch is now under construction, and which ditch and water right is taken out of the east bank of said Little Applegate about the middle of the line of said stream, through the lands above described and at a point about one-half mile below the head of the ditch described above as the Garrison Ditch, which said ditch now under construction will lead the waters of Little Applegate from said point of diversion down to and upon the ranch commonly known as the Phil Gleave ranch, the grantors herein reserving unto themselves, their heirs, successors in interest and assigns, a  $\frac{3}{4}$  interest in and to the said ditch and water right;

Conveying herein also the south-west  $\frac{1}{2}$  of the south-east  $\frac{1}{2}$  of section 29, said township and range;

Also the east  $\frac{1}{2}$  of the northwest  $\frac{1}{2}$  and the west  $\frac{1}{2}$  of the Northeast  $\frac{1}{2}$  of Section 32, in said township and range;

Also the north  $\frac{1}{2}$  of the southeast  $\frac{1}{2}$ , the south-west  $\frac{1}{2}$  of the south-east  $\frac{1}{2}$ , and the south-east  $\frac{1}{2}$  of the south-west  $\frac{1}{2}$  of section 32, said township and range.

Together with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, except as herein reserved.

TO HAVE AND TO HOLD the said lands and their appurtenances unto the said Charles C. Pursel, his heirs, successors in interest and assigns,

IN WITNESS WHEREOF we have hereunto set our hands and seals this 26th day of February, 1908, All E & A, made before signing,

WITNESSES:  
C.L. Reames  
Peter Deisch.  
J.F. Crump (SEAL)  
Cora B. Crump (SEAL)

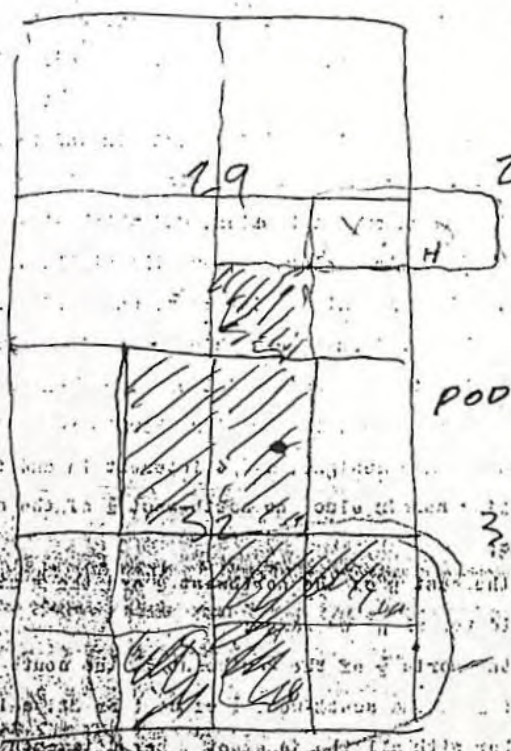


Kind of Instrument	STATE OF OREGON County of Jackson
Consideration	I hereby certify that the annexed instrument of writing was received and filed for record at _____ o'clock _____ M. on the _____ day of _____ 191____ Recorder By _____ Deputy

STATE OF OREGON,  
COUNTY OF JACKSON,  
I HEREBY CERTIFY That before me, a Notary Public on this 26th day of February, 1908, personally appeared the within named J.F. Crump, and Cora B. Crump, his wife, each to me personally known to be the identical person named in and who in my presence executed the within instrument and then and there acknowledged to me that they and each of them executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my notarial seal the day and year in this certificate above written.

C. L. Reames  
(Notarial seal of C.L.Reames) Notary Public for Oregon.



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ORIGINAL U.S.  
FILED  
TO JOURNAL F  
CRUMP  
MAY 6 1905  
Lent 12304



EXHIBIT-2 COPY OF LUPER MAP

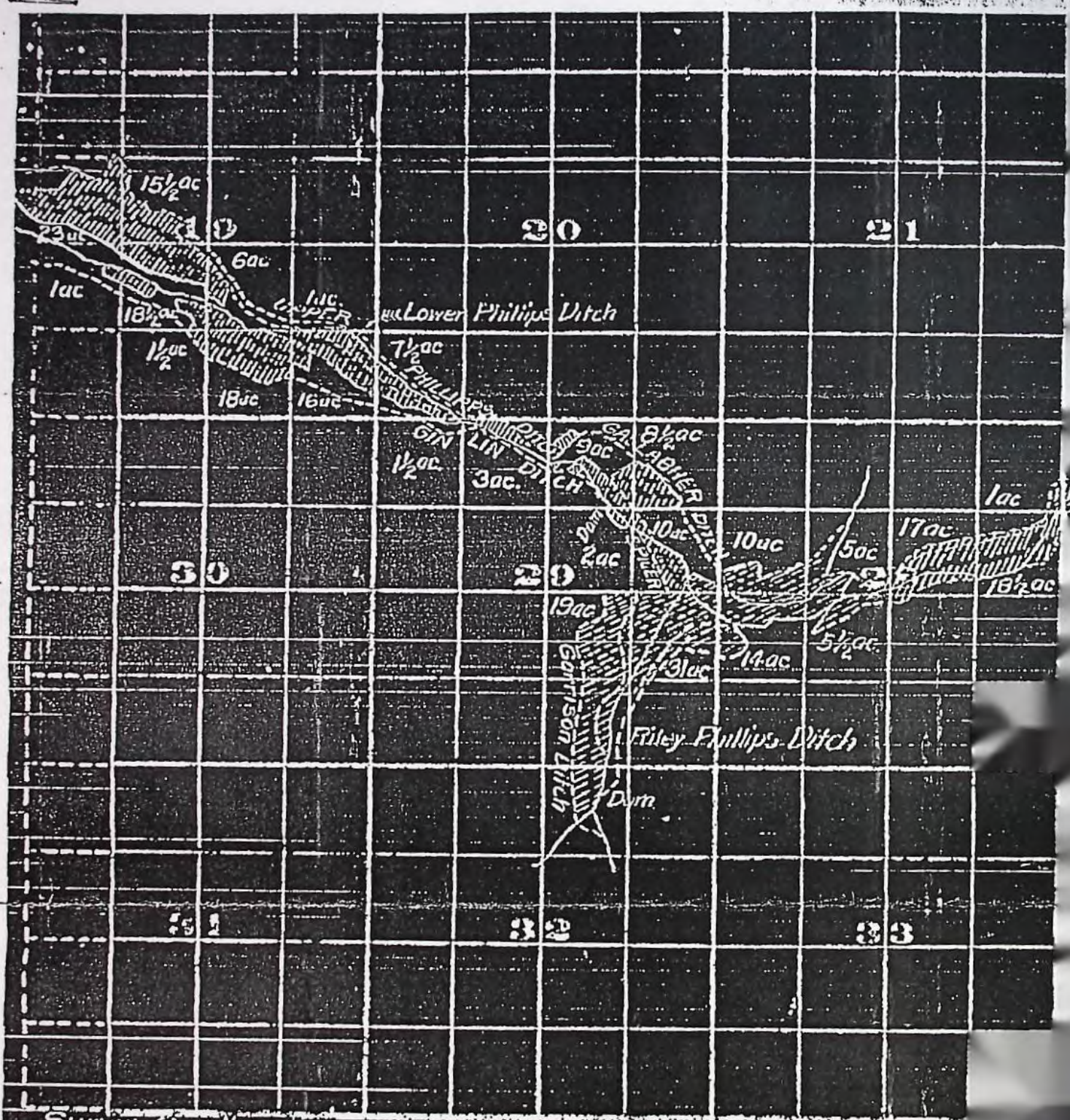
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Survey by Rhea Luper September 3, 4, & 5, 1914

Traced by J.D. 4-6-1916

Scale of Feet.

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EXHIBIT-3 COPY OF McMAHAN MAP

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The map displays a grid of 10-degree squares, numbered 7 through 33. The Klamath River is shown flowing from the northwest towards the southeast. The Klamath Mountains are depicted as a series of ridges and valleys. The Klamath Falls are located in the central part of the map. The map shows a complex pattern of faults and geological units, with some areas shaded to indicate specific geological formations. The map is oriented with North at the top.

*Scale of Feet.*



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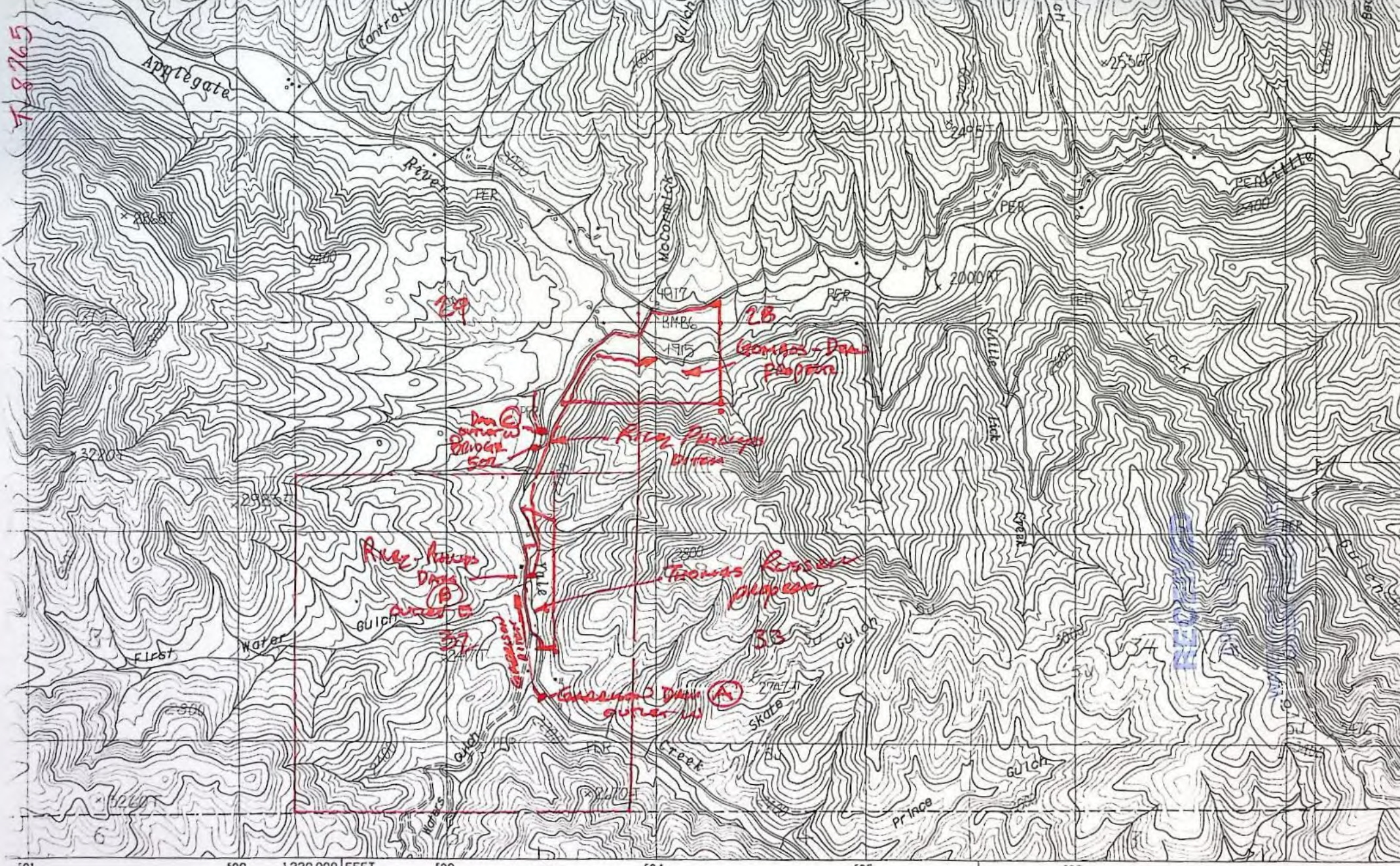
EXHIBIT-4 COPY OF USGS TOPO MAP WITH NOTATION

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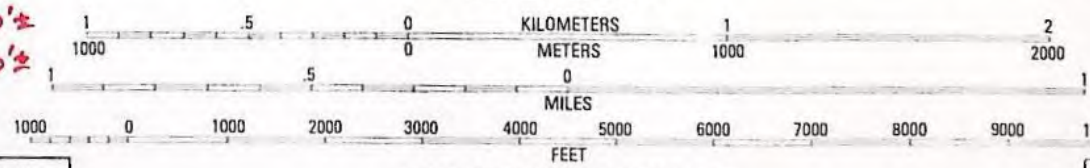


UNITED STATES GEOLOGICAL SURVEY  
 PHOTOGRAPHS TAKEN ..... 1976  
 MAP EDITED ..... 1983  
 LAMBERT CONFORMAL CONIC  
 TRANSVERSE MERCATOR ..... ZONE 10  
 GRID TICKS ..... OREGON, SOUTH ZONE  
 ON ..... 0°03' EAST  
 MAGNETIC DECLINATION ..... 18° EAST  
 NATIONAL GEODETIC VERTICAL DATUM OF 1929  
 ..... 1927 NORTH AMERICAN DATUM  
 Predicted North American Datum of 1983,

- (A) Elev.  $\pm$  2080'  $\pm$
- (B) Elev.  $\pm$  2040'  $\pm$
- (C) Elev.  $\pm$  1980'  $\pm$

**PROVISIONAL MAP**  
 Produced from original

SCALE 1:24 000



**CONTOUR INTERVAL 40 FEET**  
 To convert meters to feet multiply by 3.2808



1	2	3	1 Mt.
			2 Me.



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EXHIBIT-5 COPY OF OWRD MEMO

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# Oregon

John A. Kitzhaber, M.D., Governor

T-8765

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

### Memorandum

To: Kerry KenCairn  
From: Weisha Mize  
Re: Yale Creek Research  
Date: January 13, 1999

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SALEM, OREGON

Kerry, attached please find copies of the materials Sue DeHass has collected and reviewed regarding the Yale Creek conserved water project. It took a bit of digging and research, and I have every confidence in Sue's results. There is some good news and some not so good news. The good news is that the priority date for Mr. Drobkiewicz's water right is 1865. The bad news is that not all his land has a water right. Here's what Sue found:

After looking at the original claim 946 for this right in the Little Applegate adjudication, together with related claim 943 (also by Cora B. Crump), Sue was able to locate the ditches and the lands, as well as to assign the appropriate priority dates to the lands which received rights in this decree. Sue concludes that, of the 31 acres under water right Certificate 43583, only 3.64 of the 12.64 acres owned by Mr. Drobkiewicz are covered by this water right, and the priority date for those acres is 1865.

The aerial photo taken in 1991 shows the location of the ditches discussed in the original decree, and shows that the lands above (up hill from) the ditch in the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 29 are, as they were when the area was adjudicated, on a hillside. You can see from the copy of the aerial photograph that the ditch is downhill from the 9 acres of the lands in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  lying to the east and south of Yale Creek Road, and the ditch is above only 3.64 acres in that same location. You can also see that those 9 acres above the ditch are wooded.

Now that we have these questions answered, it will take some revisiting of the application to address the reduction in acres available for the conserved water project. Please let me know if I can be of any more assistance.

cc: Al Cook, SW Region (w/o attachments)  
Larry Menteer, WRD (w/o attachments)  
Andrew Purkey, OWT



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EXHIBIT-6 COPY OF ~~BLM~~ AERIAL PHOTO

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EXHIBIT-7 COPY OF FLUME PHOTO

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SALE





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# **BUNCOM: CROSSROADS STATION**

**An Oregon Ghost Town's Gift  
from the Past**

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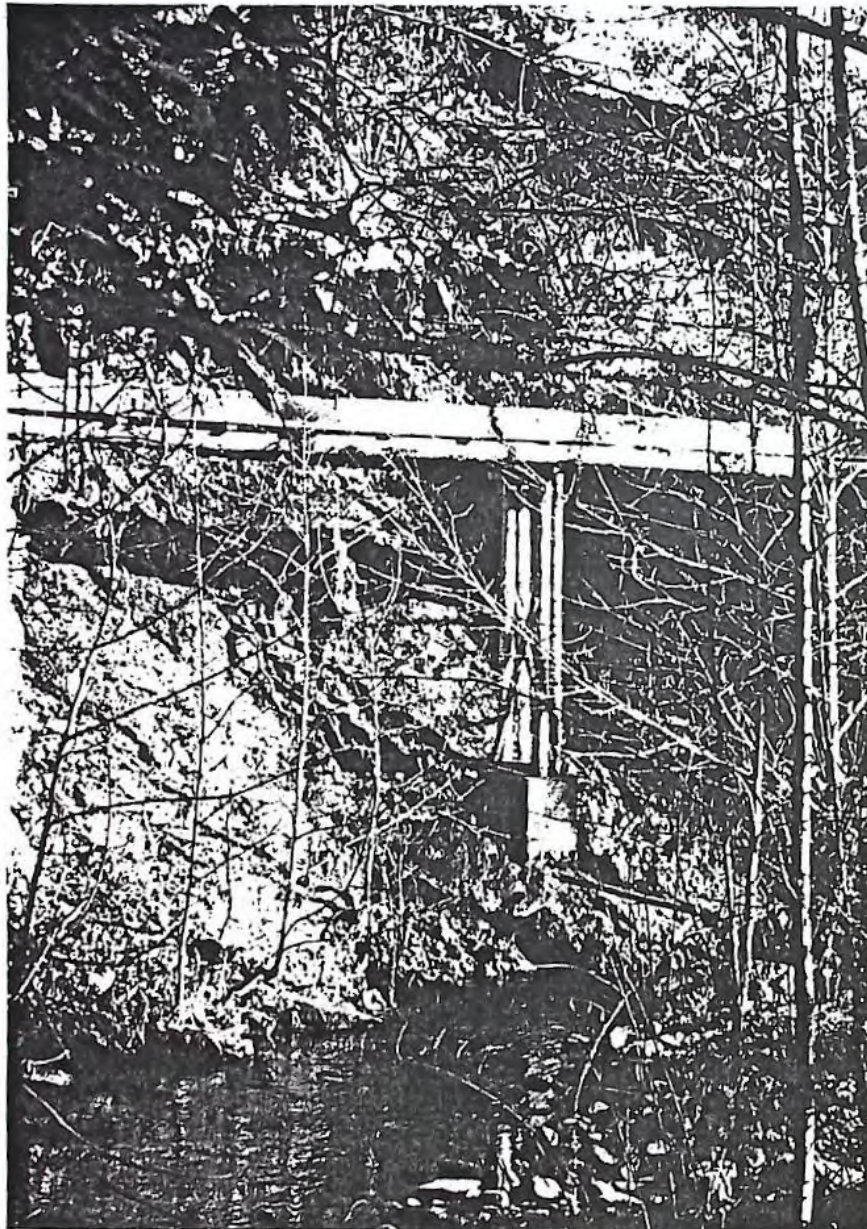
By

**Connie Fowler & J.B. Roberts**

BUNCOM HISTORICAL SOCIETY



T-8765



Other  
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Oregon

Figure 5-2. A flume originally built to carry water for mining, and now used to irrigate pastures on Yale Creek. The wooden flumes, used to get water, require regular

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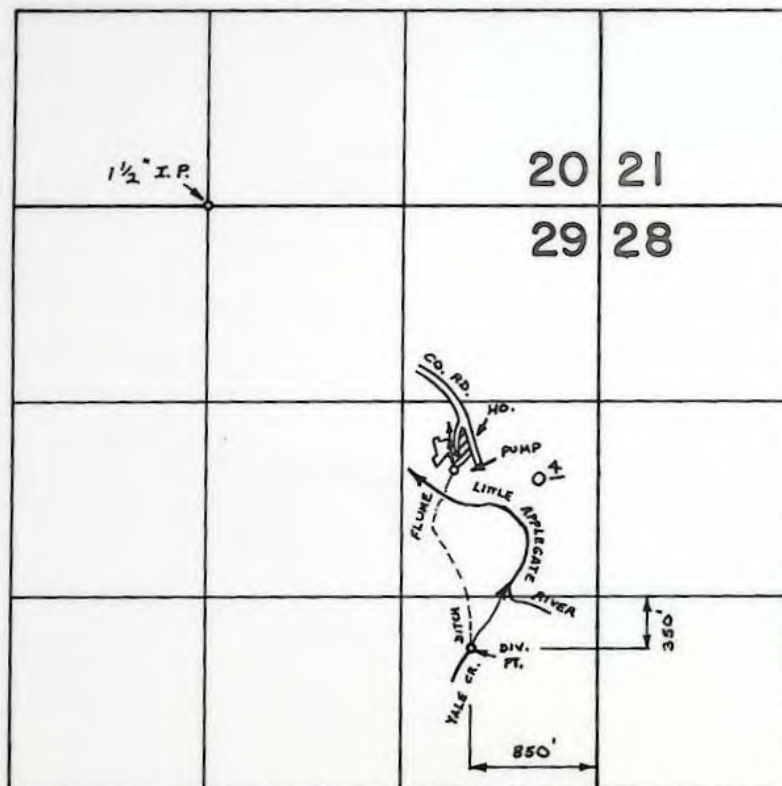
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EXHIBIT-8 COPY OF MAP PLOTTED FROM OWRD WEB-SITE COMPUTER FILE

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SALEM, OREGON



T. 39 S., R. 2 W., W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 3225

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

IN NAME OF

**HARVEY W. ROBERTSON**

Surveyed OCT. 9 1978 by B. SUND

D.H.M.  
P.T.S. - 1978 - 14 - D



68-116-13

45280

CHARLES DUNFORD, JR., a single man of Jackson County.

1 Oregon, hereinafter called "GRANTOR", conveys to HARVEY W.  
2 ROSSKOTON ~~of~~ of  
3 Jackson County, Oregon, all that real property situated in  
4 Jackson County, State of Oregon, described as:- 392w-4700

Beginning at a point in the center of the County  
Road, on the east line of Section 29 in Township  
37 South, Range 2 West of the Willamette Meridian  
in Jackson County, Oregon, (said point being North  
0° 37' East 122.0 feet from the quarter corner on  
the east line of said Section); thence North 0°  
37' East, along said east line, 1153.4 feet to  
the northeast corner of the Southeast Quarter of  
the Northeast Quarter of said Section; thence  
South 89° 21' West, along the north line of said  
quarter-quarter, 1314.4 feet to the northwest  
corner thereof; thence North 0° 37' West, along  
the west line of said quarter-quarter, 420.0 feet  
to the northerly bank of Little Applegate Creek;  
thence along the northerly bank of said Creek as  
follows: South 52° 22' East 430.0 feet, South  
79° 23' East 240.0 feet, south 53° 05' East  
208.0 feet thence South 52° 00' East 244.3  
feet to a point in the center of the County  
Road; thence South 52° 20' East, along the  
center of said County Road, 400.0 feet to  
the point of beginning.

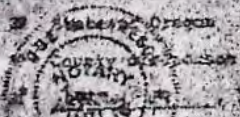
Subject to the usual printed exceptions, conditions,  
caveats, and

1. That part lying within public roads.

and covenants that Grantor is the owner of the above described  
property free of all encumbrances except as hereinabove set out,  
and will warrant and defend the same against all persons who  
may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer  
is Five Thousand (\$5,000.00) Dollars.

Dated this 20<sup>th</sup> day of January, 1958.



Witnessed by  
I, \_\_\_\_\_, County Clerk of Jackson County,  
Oregon, do hereby certify that the within instrument was filed in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 1958.  
\_\_\_\_\_ County Clerk  
Oregon

Personally appeared the above-named Charles Dunford, Jr.,  
and acknowledged the foregoing instrument to be his voluntary act  
before me.

Notary Public for Oregon  
My Commission Expires \_\_\_\_\_

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MAY 12 1975  
STATE ENGINEER  
SALEM, OREGON

Marion County Recd-1-

2-27-68

T-3225



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }  
OF HARVEY W. ROBERTSON FOR THE }  
APPROVAL OF A CHANGE IN PLACE OF }  
USE OF WATER FROM YALE CREEK }  
-----

ORDER APPROVING  
TRANSFER NO. 3225

On May 12, 1975, Harvey W. Robertson filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Yale Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Cora B. Crump, administratrix of Estate of J. F. Crump, and recorded at Page 16415, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.75 cubic foot per second of water from Yale Creek for the irrigation of, among other lands, 0.4 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 39 South, Range 2 West, W.M., with a date of priority of 1865. These lands are irrigated from a point of diversion located 350 feet South and 850 feet West from the East quarter-corner of Section 29, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, Township 39 South, Range 2 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to another 0.4 acre tract in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 39 South, Range 2 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.



Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

No objections 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 change in place of use of water is approved and the water right hereinbefore described as appurtenant to 0.4 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 39 South, Range 2 West, W.M., with a date of priority of 1865, be severed therefrom and simultaneously and without loss of priority transferred to another 0.4 acre tract in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 39 South, Range 2 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1977.

It is FURTHER ORDERED that certificate of water right heretofore issued to Cora B. Crump, administratrix of Estate of J. F. Crump, deceased, and recorded at Page 16415, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Harvey W. Robertson confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 20th day of April, 1976.

/s/ JAMES E. SEXSON  
Director



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JAN 16 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

STATEMENT OF COMPLETION

T-3225

Harvey W. Robertson

I hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving water right transfer application No. 3225 was accomplished by June 25, 1977.

January 13, 1978

Date

Harvey W. Robertson  
Signature

OK  
Jue

6268 Little Applegate Road  
Jacksonville, Oregon - 97530



Please send form for application for extension of time limit.



10-9-78 BRS  
PTS-1978-14-D

Transfer No. 3225

County Jackson

- ## 6. Place of Use

[illegible]



INFO: MRS. ROBERTSON

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

MOTOR: CENTURY 1HP @ 3450 RPM

DR. PT. YALE CK FROM SPICER DITCH THEN PUMPED FROM DITCH

PIPE: MAIN  $1\frac{1}{2}"$  PLASTIC - 750'

LAT.  $\frac{3}{4}"$  Garden Hose - 200'

SPRINKERS: 8 RBZOS  $\frac{5}{32}"$

3 MAX

LIFT: GRAVITY TO PUMP

15' PUMP

USE: YARD, GARDEN

TIC: PTS-1978-14-D

Bruce R. Sund

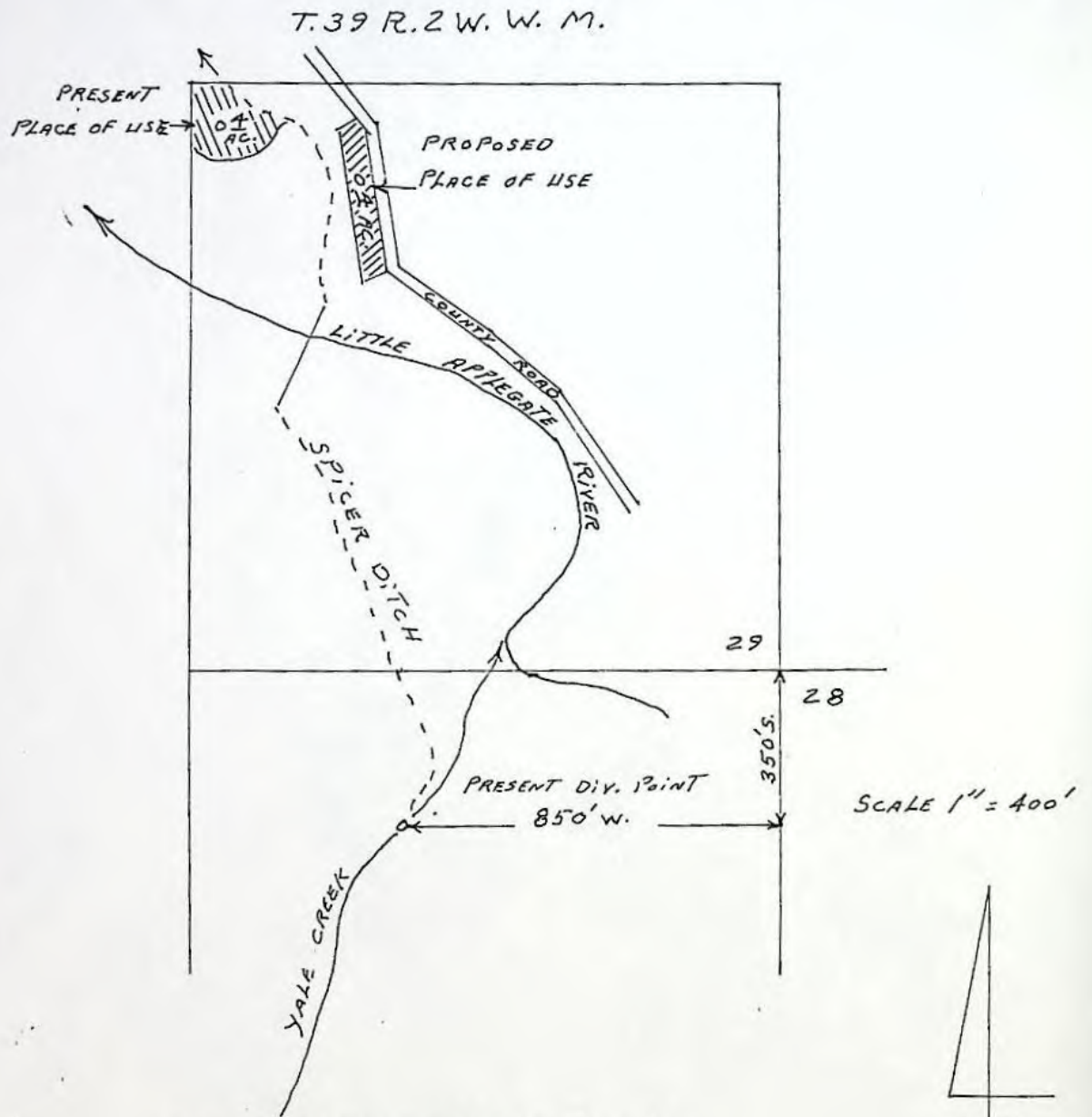
F.E. 10-4-78

$$\frac{0.4}{80} = 0.005 \text{ c.f.s.} /$$

$$\frac{1(6.61)}{114 + 15} = 0.05 \text{ c.f.s.} /$$

$$\frac{3(4.7)}{450} = 0.03 \text{ c.f.s.} /$$





MAP TO ACCOMPANY APPLICATION OF  
 HARVEY W. ~~ROBERTSON~~ ROBERTSON  
 FOR CHANGE IN PLACE OF USE.

T-3225



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MAY 12 1975  
STATE ENGINEER  
SALEM, OREGON

T-3225

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Harvey W. Robertson  
(Name of applicant)  
Jacksonville,  
of 6268 Little Applegate Road, / County of Jackson  
(Postoffice)

State of Oregon 97530, do hereby make application for change in place of use.

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

1. The source of present water right is Yale Creek.  
(Name of stream)

2. The use to which the water is applied is irrigation.  
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Spicer Ditch.

4. The point of diversion is located 350 ft. S. and 850 ft. W. from the E $\frac{1}{4}$   
(N. or S.) (E. or W.)

corner of Section 29 being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$   
(Section or subdivision)

of Section 29 Tp. 39 S. R. 2 W. W. M., in the County of Jackson.  
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
39 S.	2 W.	29				0.4												

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

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes.  
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes.

8. What is the date of priority of your water right? 1865.

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

of permit none.



10. Do you hold a water right certificate? Yes If so, give number of certificate 16415  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

Yes If so, give title of proceedings Rogue River Decree (Page 31, Col. 2)  
(Yes or No)

12. Is the water right recorded in your name? No Cora B. Crump  
(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			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
39 S.	2 W	29				0.4												

(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 ..... ft. ..... and ..... ft. .... from the .....  
(N. or S.) (E. or W.)  
corner of ..... being within the ..... of Section ..... Tp. .... R. .... W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of ..... The name of the ditch to be used is .....

15. Are you the owner of the land on which the proposed point of diversion is to be located? .....

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? .....

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

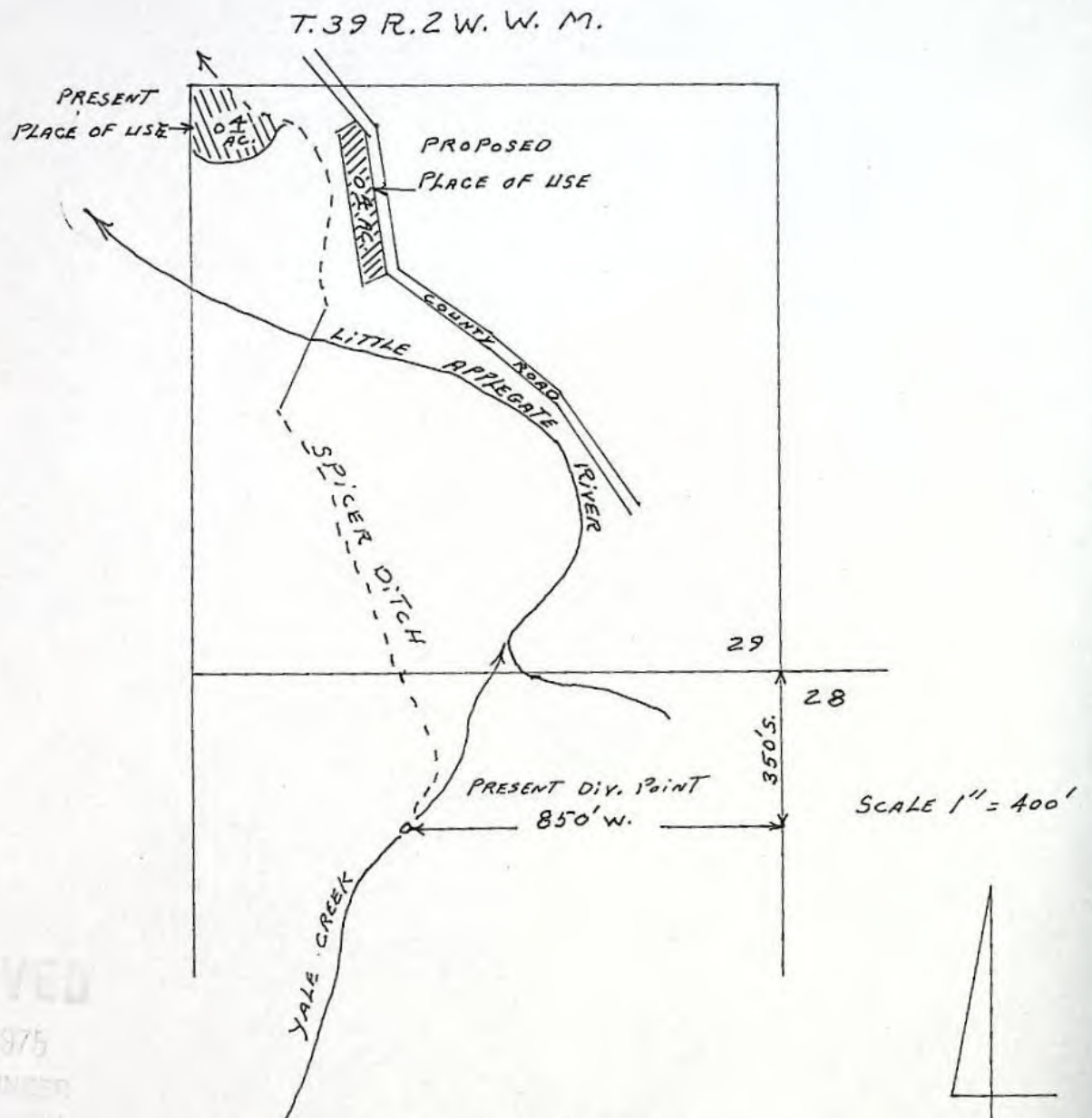
18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes  
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are to irrigate the small area around my home.





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MAY 1 1975  
STATE ENGINEER  
SALE, OREGON

MAP TO ACCOMPANY APPLICATION OF  
HARVEY W. ~~ROBERTSON~~ ROBERTSON  
FOR CHANGE IN PLACE OF USE.



T-3225



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

ss.

I, Harvey W. Robertson, 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 8th day of May, 1975.

*Harvey W. Robertson*  
(Name of applicant)

Subscribed and sworn to before me this 8th day of May, 1975.

[Notarial Seal]

*Phyllis Gilman*  
NOTARY PUBLIC FOR OREGON

My commission expires 3-5-77

Remarks

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



[illegible]

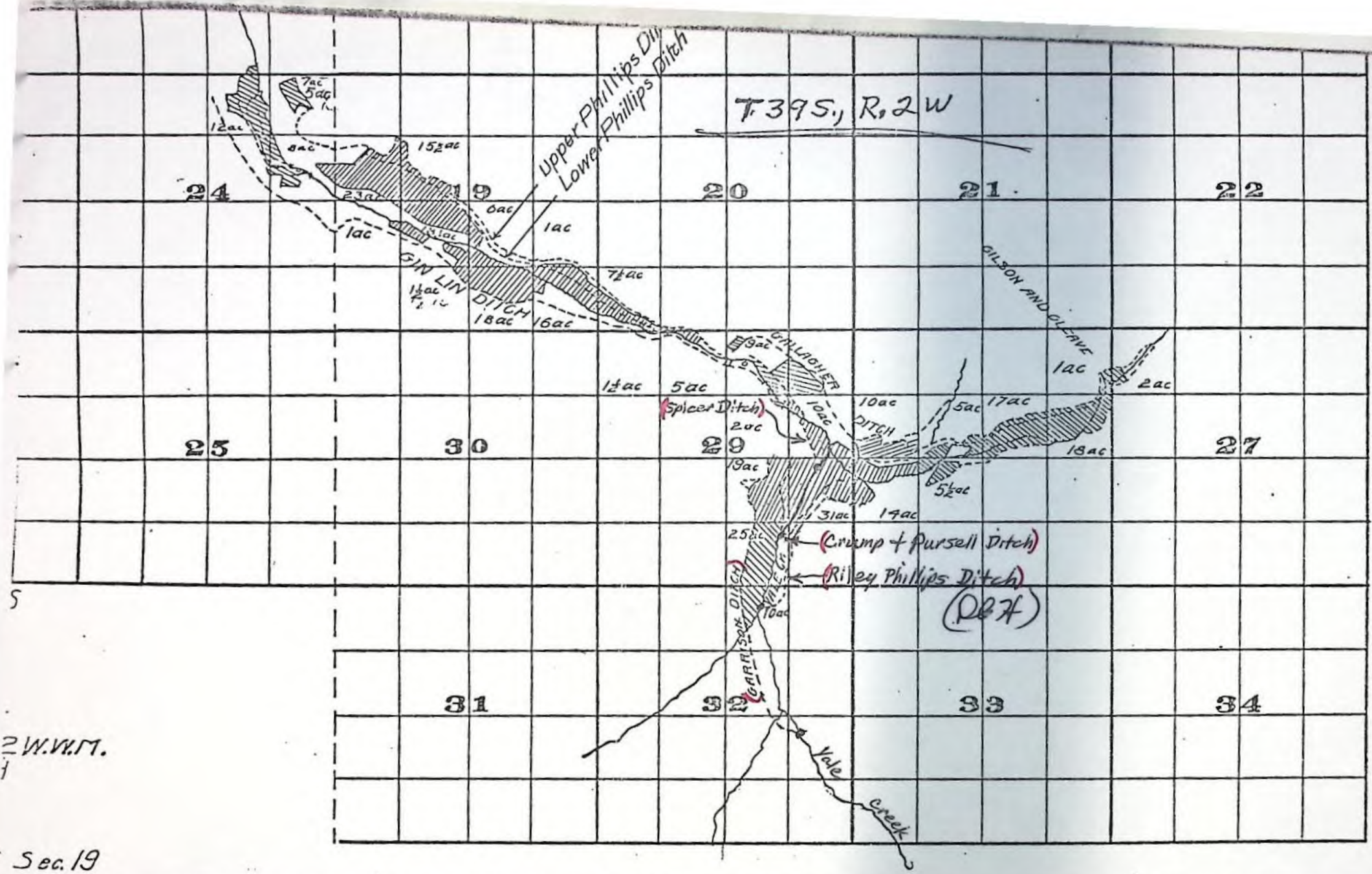
0 1 2 3

FROM OFFICE OF THE STATE ENGINEER, SALEM, OREGON









2 W. V. M.  
1  
Sec. 19

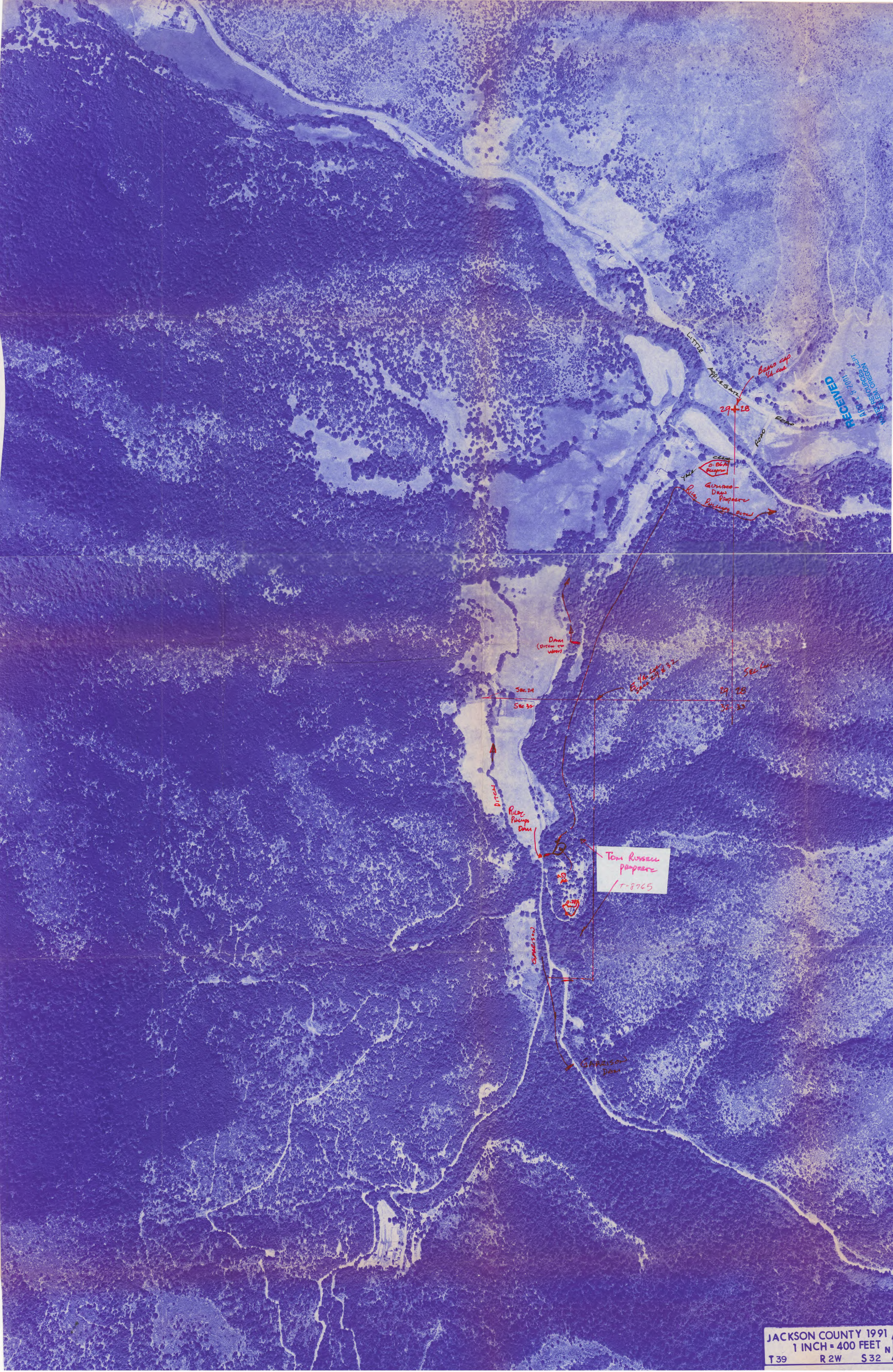
153

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WATER RESOURCES DEPT.  
SALEM, OREGON

1-a.  
E. Crump  
Yale Creek  
RR Decree  
Page 31 Col. 2

1/4 N.E.





RECEIVED  
JAN 7 1991  
S.E. CO. REC'D  
JAN 7 1991

Bears up  
1/4 sec

29+28

Clear  
0.04  
pump

Garrison  
Dams  
Papers  
Papers

Dam  
(over to  
water)

Sec 24

Sec 35

Ditch

Riley  
Phipps  
Dam

Tom Russell  
papers  
T-8765

0.20

0.20

0.20

0.20

0.20

0.20

0.20

0.20

0.20

0.20

0.20

0.20

0.20

0.20

0.20

0.20

0.20

Sec 24

29+28

32+33

Garrison  
Dam