

3395 Bypass Channel
14350 Upper Applegate Road
Jacksonville, FL 32250

3395

STATUS OF APPLICATION

Change in point of diversion
Date filed 4-20-76
Date of hearing _____
Place of hearing _____
Date of order 5-11-76 Vol. 27, page 153
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued AUG 30 1976 Vol. 35, page 43592
42 Survey 11/76

FEB 25 1980

REMARKS

FINAL PROOF MAP IN TRANSFER 3394

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 1.15
Name of ditch _____
Date of priority September 9, 1954
In name of Gerald Buck
_____ Adjudication, Vol. _____, page _____
App. No. 29464 Per. No. 23187 Cert. No. 37987
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-20-76</u>	<u>35.00</u>	<u>54630</u>
TOTAL . . .		
<u>4-20-76</u>	<u>\$4</u> Cert. Fee	<u>54631</u>

FEES REFUNDED

Date	Amount	Check No.
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INDEX CARDS:	Entered	Checked
<u>WA</u> Name	<u>✓</u>	<u>—</u>
<u>WA</u> Stream	<u>✓</u>	<u>—</u>
<u>WA</u> Pt. of Div.	<u>✓</u>	<u>—</u>
<u>WA</u> Calendar	<u>✓</u>	<u>—</u>
CHECKED TO RECORDS:		
<u>✓</u> Twp. & Rge.	<u>20</u>	<u>—</u>
<u>—</u> Decree-vault	<u>—</u>	<u>—</u>
<u>—</u> Decree-safe	<u>—</u>	<u>—</u>
<u>✓</u> Cert. of W/R	<u>CC</u>	<u>—</u>
<u>✓</u> Per. Folder	<u>CC</u>	<u>—</u>
<u>—</u> Chaindex	<u>—</u>	<u>—</u>
<u>—</u> Cross Ref.	<u>—</u>	<u>—</u>
<u>—</u> Power Claim	<u>—</u>	<u>—</u>
<u>—</u> Abstracts	<u>—</u>	<u>—</u>

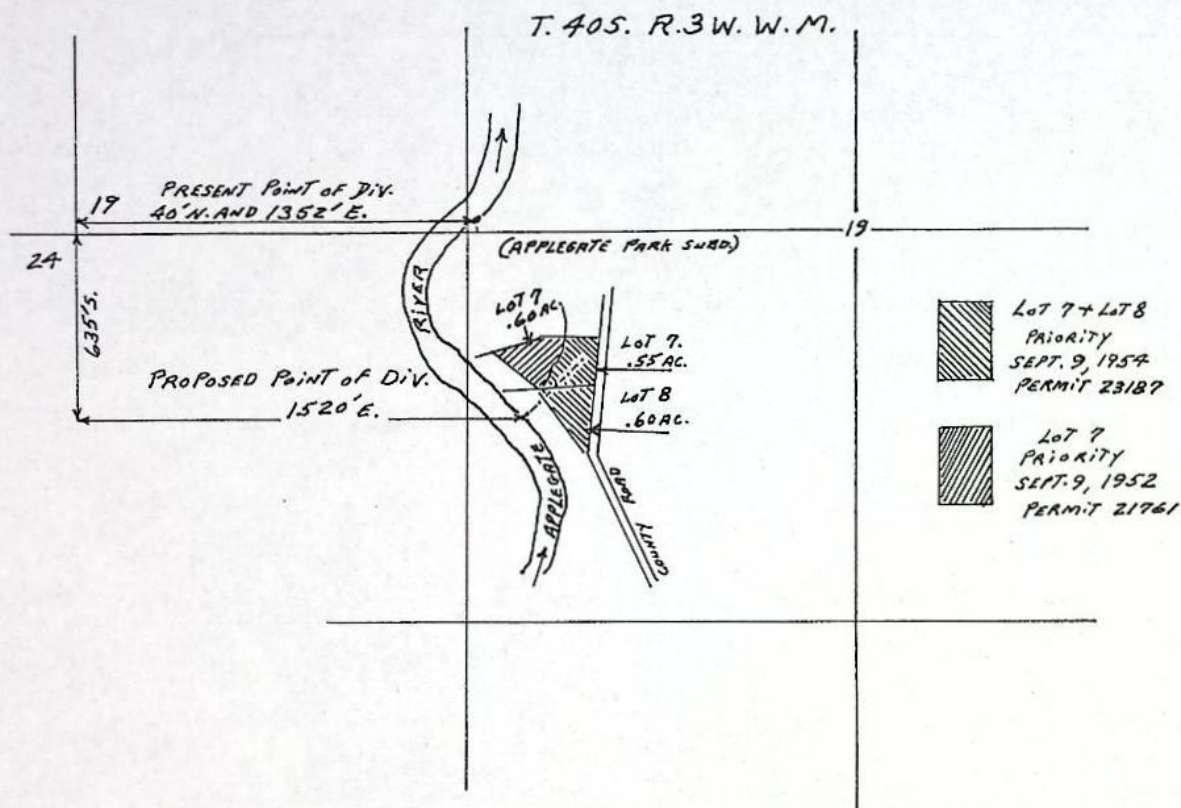
W.R.I.S.

Assembled _____ by _____

Entered _____ by _____

Verified _____ by _____

T-3394 & T-3395



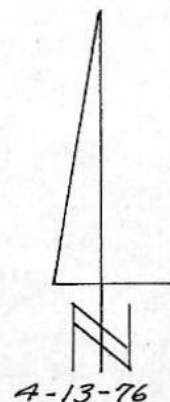
MAP TO ACCOMPANY APPLICATION OF
BRYANT CHAMBERS FOR CHANGE IN
POINT OF DIVERSION

SCALE 8" = 1 MILE

RECEIVED

APR 20 1976

WATER RESOURCES DEPT
SALEM, OREGON



4-13-76

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF BRYANT CHAMBERS FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM APPLEGATE
RIVER

ORDER APPROVING
TRANSFER NO. 3395

On April 20, 1976, Bryant Chambers filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Gerald Buck and recorded at Page 37987, Volume 30, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.05 cubic foot per second of water from Applegate River for the irrigation of, among other lands, 1.15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 40 South, Range 3 West, W.M., with a date of priority of September 9, 1954. These lands are irrigated from a point of diversion located 40 feet North and 1352 feet East from the West quarter-corner of Section 19, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 40 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 635 feet South and 1520 feet East from the West quarter-corner of Section 19, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 40 South, Range 3 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

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

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

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Applegate River, to wit:

From a point located 40 feet North and 1352 feet East from the West quarter-corner of Section 19, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 40 South, Range 3 West, W.M.

To a point to be located 635 feet South and 1520 feet East from the West quarter-corner of Section 19, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 40 South, Range 3 West, W.M.

for the irrigation of 1.15 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 40 South, Range 3 West, W.M., with a date of priority of September 9, 1954, 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 0.015 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

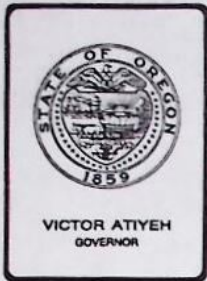
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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

It is FURTHER ORDERED that the certificate of water right heretofore issued to Gerald Buck and recorded at Page 37987, Volume 30, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Bryant Chambers confirming the change in point of diversion.

Dated at Salem, Oregon, this 11th day of May, 1976.

/s/ JAMES E. SEXSON
Director



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8453

April 24, 1980

Century 21
Property Mart Realty
2380 So. Pacific Hwy
Medford, OR 97501

Attention: Sharon McCoy

REFERENCE: Files Nos. T-3394, T-3395

Pursuant to your request, enclosed are the copies of the certificates recorded at pages 49035 and 49038, Volume 42, State Record of Water Right Certificates, along with copies of the two related final proof survey maps. Our receipt No. 17207 covering the copying fee of \$2.15 you submitted is also enclosed.

While in most cases the rights described by the certificates will be valid, you are cautioned that the rights or any part thereof may be lost through intentional abandonment or forfeited by five successive years of nonuse. Our records will not show that any portion of a right has been lost until a cancellation proceeding has been completed.

Sincerely,

Stephen C. Brown
Water Rights Engineer

SCB:lcj
enclosures

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR

County Jackson

- [illegible]

INFO: MR. CHAMBERS

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

MOTOR: GOULD 1HP @ 3600 RPM ELEC.

DIU. PT. $8' - 1\frac{1}{2}''$ - PLASTIC

PIPE: MAIN: $130' - 1\frac{1}{4}''$ - PLASTIC

LAT: $270' - 1\frac{1}{4}''$ - PLASTIC

SPRINKLERS: 7-RB 20 - $5/32''$
6 MAX

LIFT: 5' SUCTION 20' PUMP

USE: PASTURE, YARD, GARDEN

TIE: PTS-1978-14-A N.W. PROP. COR.

Bence R. Sund

F.E.

6-6-78

$$\frac{1(6.61)}{114 + 25} = 0.05 \text{ c.f.s.} \checkmark$$

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

NOTICE OF COMPLETION OF CONSTRUCTION

I, Bryant Chambers 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 June 25-1976, approving an application
for a change in point of diversion of water from Mr. Horne
Centrifugal Pump

September 10-76
Dated

Bryant Chambers
RECEIVED

SEP 15 1976

WATER RESOURCES DEPT
SALEM, OREGON



WATER RESOURCES DEPARTMENT

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

April 19, 1976

ROBERT W. STRAUB
GOVERNOR

JAMES E. SEXSON
Director

WATER POLICY REVIEW BOARD

EMERY N. CASTLE
Chairman
Corvallis

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GEORGE H. PROCTOR
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Portland

JAMES HILL
Arch Cape

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Portland

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

Attention: Mr. Trevor Jones, Administrator
Water Rights Division

Dear Mr. Jones:

I am enclosing two transfer applications in the name of Bryant Chambers of 14350 Upper Applegate Road, Jacksonville, Oregon 97530, for change in point of diversion on two rights, together with check in the sum of \$78 to cover transfer fees, new certificate recording fees, remaining right certificate recording fees, the necessary map tracing, and legal land description. One map shows both transfers.

It is my opinion that the proposed changes in point of diversion may be made without injury to existing rights. No advertising is necessary. I believe the second provision relative to pumping plants would be the best to incorporate within the order.

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, Dist. 13

DCH:pg

enclosures (6)

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APR 20 1976

WATER RESOURCES DEPT.
SALEM, OREGON

0011

RECEIVED
APR 20 1976
WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Bryant Chambers
(Name of applicant)
Jacksonville,
of 14350 Upper Applegate Road, / County of Jackson
(Postoffice)
State of Oregon 97530, do hereby make application for change in point of diversion.

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

1. The source of present water right is Applegate River.
(Name of stream)
2. The use to which the water is applied is irrigation.
(Irrigation; Mining; Power; Manufacturing; etc.)
3. The name of the ditch, canal or pipe line is pump.
4. The point of diversion is located 40 ft. N. and 1352 ft. E. from the W¹/₄
(N. or S.) (E. or W.)
corner of Section 19 being within the SE¹/₄ NW¹/₄
(Section or subdivision)
of Section 19 Tp. 40 S. R. 3 W. W. M., in the County of Jackson.
(No. N. or S.) (No. E. or W.)

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

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄
40	S	3	W	19														

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? Sept. 9, 1954.
9. Was your water right acquired by State Engineer's Permit? Yes. If so, give number
(Yes or No)
of permit 23187.

10. Do you hold a water right certificate? Yes. If so, give number of certificate 37987.
(Yes or No)

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

No. If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? No, Gerald Buck.
(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 635 ft. S. and 1520 ft. E. from the W $\frac{1}{4}$
(N. or S.) (E. or W.)
corner of Sec. 19 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19 Tp. 40 S. R. 3 W. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Jackson. The name of the ditch to be used is

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? No.

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 so I can put my own pump in Applegate River.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson } ss.

I, Bryant Chambers, 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 13 day of April, 1976.

Bryant Chambers

(Name of applicant)

Subscribed and sworn to before me this 13 day of April, 1976.

[Notarial Seal]

John F. Cummins

NOTARY PUBLIC FOR OREGON

My commission expires 21 January 1980

Remarks _____

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

Bryant Chambers

Legal description: Lot 7 and Lot 8 of APPLEGATE PARK SUBDIVISION
in Jackson County, Oregon, according to the official plat thereof,
now of record.

RECEIVED

APR 20 1976
WATER RESOURCES DEPT
SALEM, OREGON

T-3395