

3397

Sam and Sandra E. Fisher
P.O. Box 28
Bespuch, Or 97536

3397

32535
28

STATUS OF APPLICATION

Change in point of diversion
 Date filed 4-21-76
 Date of hearing _____
 Place of hearing _____
 Date of order 5-10-76 Vol. 27, page 145
 Date for application of water 10-1-77
 Proof mailed _____
 Proof received _____
 Certificate issued JUN 14 1979 Vol. 41, page 48146
Survey 8/76

DESCRIPTION OF WATER RIGHT

Name of stream seepage and waste water
 Trib. of _____ County of Jackson
 Use irrigation
 Quantity of water _____ No. of acres 3 5
 Name of ditch _____
 Date of priority April 11, 1947
 In name of Estate of H. I. Baker & Robert C. Baker
 _____ Adjudication, Vol. _____, page _____
 App. No. 22439 Per. No. 17708 Cert. No. 29854
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-21-76</u>	<u>35.00</u>	<u>54665</u>
TOTAL . . .		
<u>6-21-79</u>	<u>\$2 Cert. Fee</u>	<u>Trf. from 6.6775</u> <u>Per # 1134</u>

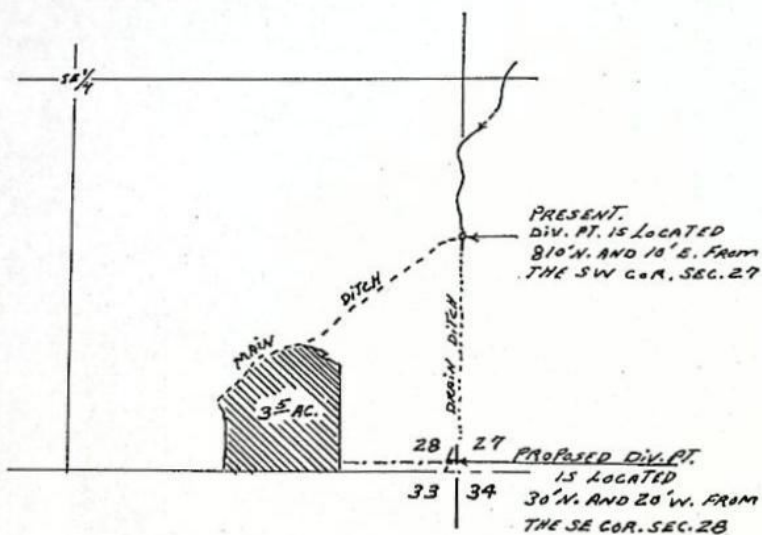
FEES REFUNDED

Date	Amount	Check No.

REMARKS

INDEX CARDS:		Entered	Checked
<u>WA</u>	Name	<u>✓</u>	
<u>WA</u>	Stream	<u>✓</u>	
<u>WA</u>	Pt. of Div.	<u>✓</u>	
<u>WA</u>	Calendar	<u>✓</u>	
CHECKED TO RECORDS:			
<u>✓</u>	Twp. & Rge.	<u>20</u>	
	Decree-vault		
	Decree-safe		
<u>✓</u>	Cert. of W/E	<u>CC</u>	
<u>✓</u>	Per. Folder	<u>CC</u>	
	Chainindex		
	Cross Ref.		
	Power Claims		
	Abstracts		

T.32S. R.3E. W.M.



MAP TO ACCOMPANY APPLICATION OF
SAM AND SANDRA E. FAICKE FOR
CHANGE IN POINT OF DIVERSION

SCALE 8" = 1 MILE

RECEIVED

APR 21 1976

WATER RESOURCES DEPT
SALEM, OREGON

4-12-76

T-3397

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }
OF SAM AND SANDRA E. FRICKE FOR }
THE APPROVAL OF A CHANGE IN POINT }
OF DIVERSION OF WATER FROM SEEPAGE }
AND WASTE WATER }

ORDER APPROVING
TRANSFER NO. 3397

On April 21, 1976, Sam and Sandra E. Fricke filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from seepage and waste water, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Estate of H. I. Baker and recorded at Page 29854, Volume 21, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.04 cubic foot per second of water from seepage and waste water for the irrigation of 3.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 32 South, Range 3 East, W.M., with a date of priority of April 11, 1947. These lands are irrigated from a point of diversion located 810 feet North and 10 feet East from the Southwest corner of Section 27, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 32 South, Range 3 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 30 feet North and 20 feet West from the Southeast corner of Section 28, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 32 South, Range 3 East, 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.

ALL COTTON

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 seepage and waste water, to wit:

From a point located 810 feet North and 10 feet East from the Southwest corner of Section 27, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 32 South, Range 3 East, W.M.

To a point to be located 30 feet North and 20 feet West from the Southeast corner of Section 28, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 32 South, Range 3 East, W.M.

for the irrigation of 3.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 32 South, Range 3 East, W.M., with a date of priority of April 11, 1947, 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 0.04 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.

ALL COTTON

It is FURTHER ORDERED that the certificate of water right heretofore issued to Estate of H. I. Baker and recorded at Page 29854, Volume 21, State Record of Water Right Certificates, is canceled, 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 Sam and Sandra E. Fricke confirming the change in point of diversion.

Dated at Salem, Oregon, this 10th day of May, 1976.

/s/ JAMES E. SEXSON
Director

Gibraltar Union Skin

MILLERS FALLS

ALL COTTON

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR

Transfer No. 3397

County Jackson

1. Name Sam and Sandra E. Fricke Address P.O. Box 28, Prospect 97536
2. Source of Supply seepage and waste water, Trib. of _____
3. Amount of Water 0.04 Priority Date April 11, 1947
4. Use irrigation of 3⁵ ac
5. Proposed Point of Diversion 30 ft. N. and 20 ft. W. from the SE corner of
SE 1/4 SE 1/4 SEC. 28
Sec. 28, T. 32 S., R. 3 E., W.M.

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

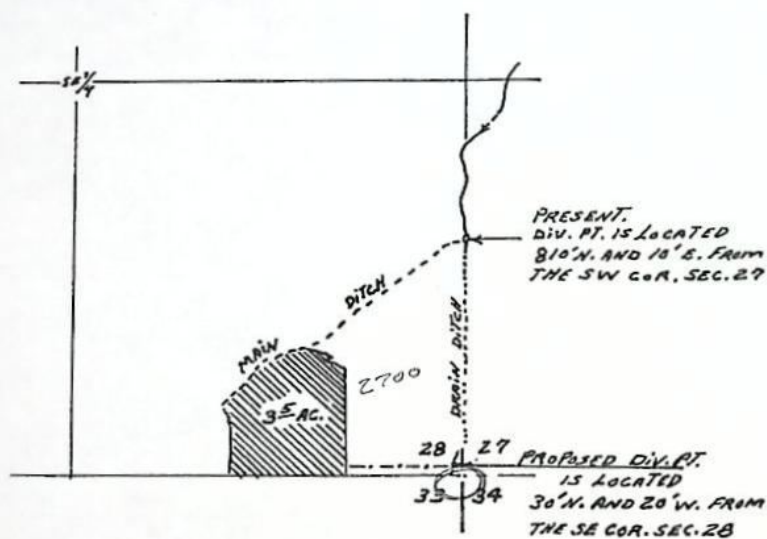
[illegible]

Info: SAME AS 54167 40551

Bruce R. Sund
F.E. 8-9-78

$$\frac{3.5}{80} = 0.043 \text{ c.f.s.}$$

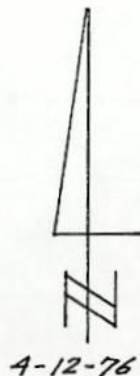
T.32S. R.3E. W. M.



MAP TO ACCOMPANY APPLICATION OF
SAM AND SANDRA E. FAICKE FOR
CHANGE IN POINT OF DIVERSION

SCALE 8" = 1 MILE

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WATER RESOURCES DEPT
SALAS, OREGON



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APR 21 1976

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Sam Fricke and Sandra E. Fricke

(Name of applicant)

of P. O. Box 28, Prospect, County of Jackson

(Postoffice)

State of Oregon 97536, 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 Seepage and Waste Water.

(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 main ditch.

4. The point of diversion is located 810 ft. N. and 10 ft. E. from the SW

(N. or S.)

(E. or W.)

corner of Section 27 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$

(Section or subdivision)

of Section 27 Tp. 32 S. R. 3 E. 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 $\frac{1}{4}$
32 S	3 E.	28																3.5

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? April 11, 1947.

9. Was your water right acquired by State Engineer's Permit? Yes. If so, give number

(Yes or No)

of permit 17708.

10. Do you hold a water right certificate? Yes. If so, give number of certificate 29854.
(Yes or No)

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

No. If so, give title of proceedings none.
(Yes or No)

12. Is the water right recorded in your name? No, Estate of H.I. Baker c/o Robert C. Baker.
(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 30 ft. N. and 20 ft. W. from the SE corner of Sec. 28 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28 Tp. 32 S. R. 3 E. W. M.,
(Smallest legal subdivision) (N. or S.) (E. or W.)
in the county of Jackson. The name of the ditch to be used is Fricke pipeline.

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 old main ditch too costly to maintain.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of JACKSON

ss.

I, SAM and SANDRA E. FRICKE, 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 12 day of April, 1976

x Sam Fricke
x Mrs. Sam Fricke
(Name of applicant)
Sandra E Fricke

Subscribed and sworn to before me this 12 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.

Transfer No. 3397

NOTICE OF COMPLETION OF CONSTRUCTION

I, Sam and Sandra E. Fricke 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 May 10, 1976, approving an application
for a change in point of diversion of water from Seepage and Waste
Water.

June 28, 1976
Date

Sam Fricke
Name

RECEIVED
JUN 30 1976
WATER RESOURCES DEPT
SALEM, OREGON



WATER RESOURCES DEPARTMENT

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

April 20, 1976

ROBERT W. STRAUB
GOVERNOR

JAMES E. SEXSON
Director

WATER POLICY REVIEW
BOARD

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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 one ground water and one surface water application in the name of Sam Fricke, also a transfer application for change in point of diversion in the names of Sam and Sandra E. Fricke, of mailing address of P. O. Box 28, Prospect, Oregon 97536, together with his check in the sum of \$95 to cover all filing and transfer fees, the necessary three map tracings and legal land descriptions.

It is my opinion that this proposed change in point of diversion may be made without injury to existing rights; also I believe the second provision relative to measuring devices would be the best to incorporate within the order.

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, District 13

DCH:pg

enclosures (10)

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APR 21 1976

WATER RESOURCES DEPT
SALEM, OREGON

T-3397

74-13414

(5)

CONTRACT OF SALE

2857F

32-3E-28

10.00

This Contract, made in triplicate, on this 9th day of September, 1974, between MARJORIE KOS WALKER, hereinafter called Seller, and SAM FRICKE and SANDRA E. FRICKE, husband and wife, hereinafter called Buyer, whether singular or plural,

WITNESSETH:

1. Seller agrees to sell and Buyer agrees to purchase the following described real property in Jackson County, Oregon, to-wit:

TRACT A:

Beginning at the section corner common to Sections 27, 28, 33 and 34, Township 32 South, Range 3 East, Willamette Meridian, Jackson County, Oregon; thence North, along the section line between Sections 27 and 28, a distance of 580.00 feet; thence West, parallel to the South line of Section 28, a distance of 924.0 feet; thence South, parallel to the East line of Section 28, a distance of 580.0 feet, to the South line of said section; thence East, along the said South line, 924.0 feet, to the point of beginning.

TRACT B:

Commencing at the section corner common to Sections 27, 28, 33 and 34, Township 32 South, Range 3 East, Willamette Meridian, Jackson County, Oregon; thence West, along the South line of Section 28, a distance of 924.0 feet; thence North, 580.0 feet, to the Northwest corner of tract described as Tract A, in instrument recorded in Volume 546, Page 71, Jackson County, Oregon, Deed Records, for the true point of beginning; thence East, along the North line of said Tract A, a distance of 334.0 feet; thence North, 150.0 feet; thence East, 50.0 feet, to a point 540.0 feet West of the East line of said Section 28; thence North, along the East line of tract described in instrument recorded as Document No. 70-10676, Official Records of Jackson County, Oregon, to a point on the South-erly right of way line of the Red Blanket Road; thence Westerly along said right of way line, 20.0 feet, more or less, to a point that is West, 560.0 feet from the East line of Section 28; thence South, parallel to said East line, to a point on the South line of said tract described in instrument recorded as Document No. 70-10676, said Official Records; thence West, parallel to the South line of Section 28, a distance of 355.0 feet, to a point on the East line of tract described in instrument recorded in Volume 546, Page 190, said Deed Records; thence South, along said line, 190.0 feet, more or less, to the true point of beginning.

EXCEPTING THEREFROM that portion conveyed to Dennis Robin Brierley and Jalene E. Brierley, husband and wife, by instrument recorded as Document No. 70-10676, Official Records of Jackson County, Oregon.

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APR 21 1976

WATER RESOURCES DEPT
SALEM, OREGON

T-3397