

3403

STATUS OF APPLICATION

Change in point of diversion and place of use
 Date filed 5-3-76
 Date of hearing _____
 Place of hearing _____
 ✓ Date of order 7-1-76 Vol. 27, page 278
 Date for application of water 10-1-77
 Proof mailed _____
 Proof received _____
 Certificate issued OCT 18 1976 Vol. 35, page 43758
 Cert. issued June 15, 1981 Vol. 44 page 50014

Survey 9/76

DESCRIPTION OF WATER RIGHT

Name of stream Thompson Creek
 Trib. of _____ County of Jackson
 Use irrigation
 Quantity of water _____ No. of acres 0.8
 Name of ditch _____
 Date of priority December 13, 1960
 In name of John DeYoung
 _____ Adjudication, Vol. _____, page _____
 App. No. 34514 Per. No. 27109 Cert. No. 33158
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-3-76</u>	<u>45.00</u>	<u>54831</u>
TOTAL . . .		
<u>5-3-76</u>	<u>4</u> Cert. Fee	<u>54833</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

W.R.I.S.

Assembled 7/23/85 by CLN
 Entered _____ by _____
 Verified _____ by _____

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
<u>WH</u> Name	✓	
<u>WH</u> Stream	✓	
<u>WH</u> Pt. of Div.		
<u>WH</u> Calendar	✓	
CHECKED TO RECO		
✓ Twp. & Rge.	<u>WH</u>	<u>mVB</u>
Decree-vault		
Decree-sate		
✓ Cert. or W/R	<u>WH</u>	<u>mVB</u>
✓ Per. & order	<u>WH</u>	<u>mVB</u>
Chaindex		
Cross Ref.		
Power Claim		
Abstracts		

BRS 6-16-78
 wrong layout → PIS-1478-14-A/BAX-AAH-166
 Inspection

County Jackson

- [illegible]

INFO: MRS. DEXHONG

PUMP: STA-RITE $1\frac{1}{2}" \times 2"$

MOTOR: ELECT. 2.5 HP @ 3450 RPM

PIPE: MAIN: 300'-2" - PLASTIC

LAT: 330'-3" - AL

SPRINKLERS: 11-RB30- $\frac{5}{32}"$

8 - MAX

LIFT: SUCTION: 5'

PUMP: 15'

USE: PASTURE, YARD, GARDEN

TIE: P.T.S. - 1978-14-A / BAX-AAA - 166 (FIR TREE ON PHOTO)

David R. Sindt

F.E. 6-16-78

$$\frac{2.5(6.61)}{114 + 20} = 0.12 \text{ c.f.s.}$$

$$\frac{0.5}{1.80} = 0.01 \text{ c.f.s.}$$

$$\frac{8(4.7)}{450} = 0.08 \text{ c.f.s.}$$

NOTE: ACCORDING TO DEXHONG'S WATER RIGHT SURVEY MADE IN 1964 BY DAVE HENDRIX OF A.C. 34514 PER 27109 THE ONLY HAD 0.2 ACRES OF CHANGE IN POINT OF DIVERSION OVER ACREAGE IS 0.8 ACRES. HENDRIX HAS BEEN NOTIFIED.

wrong layout

BRS.

Application map fits L.D. Survey plat

App. Tr. no. 3403

Rec. S 89°56'25" W 1416.60' (per R/S No. 6045)

29°56'25"
23°55'50"
56 0'35"

$T = R \tan \frac{1}{2} I$
 $= 35 \tan 53^{\circ} 28' 22 \frac{1}{2}"$
 $= (35) (1.35010)$
 $= 47.25'$

53°28'22 1/2"
+ 3'35"
53°31'57 1/2"

29°56'25"
16°58'05"
104°54'20"

$\Delta = 106^{\circ} 36' 45"$
 $R = 35.00'$
 $L = 65.33'$

PARCEL No. 3. (15.00 AC.)
Re. R/S No. 6045
RE. W/D INST. No 75-11711
PAUL R. & LYNN RATTRAY

PARCEL No. 1
5.22 AC.

29°56'25"
43°21'10"
46°35'15"

S 43°21'10" W 277.09'
236.09'
S 2°53'20" E 35.66'
S 23°23'00" E 42.19'
S 6°53'15" E 25.12'
S 17°53'05" E 31.14'
S 35°52'45" E 48.22'
S 58°52'20" E 50.24'

29°56'25"
78°41'
11°15'25"

S 61°34'25" E
78.53'

$\Delta = 62^{\circ} 20' 25"$
 $R = 50.00'$
 $L = 54.40'$

$\Delta = 109^{\circ} 05' 45"$
 $R = 50.00'$
 $L = 95.20'$

$\Delta = 106^{\circ} 31' 25"$
 $R = 50.00'$
 $L = 92.96'$

S 09°19'50" W
130.36'

S 78°41'00" W 298.98'

S 25°35'45" W
124.98'

RE. DEED INST. No 79-13516
THOMAS A. & SUSAN R. WINNINGHAM

ROAD

60.00' PRIVATE ROAD
W / TURN AROUND
Re: Inst. No. 80-
Official Records
Jackson County, Oregon

CREEK

OMPSON
N 27°07'50" E

Rec. S 33°55'50" W 735.48'
(per R/S No. 6045)

Rec. 189.69'

S 64°08'45" E
240.57'

S 64°08'45" E
244.87'

S 09°19'50" W
67.78'

S 64°08'45" E
275.77'

S 64°08'45" E
85.00'

S 25°35'45" W
124.98'

S 58°52'20" E 50.24'

S 58°52'20" E 50.24'

29°56'25"
27°07'50"
62°48'35"

29°56'25"
56°05'16"
33°51'15"

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF JOHN E. AND MAXINE E. DeYOUNG)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION AND PLACE OF)
USE OF WATER FROM THOMPSON CREEK)

ORDER APPROVING
TRANSFER NO. 3403

On May 3, 1976, John E. and Maxine E. DeYoung filed an application in the office of the Water Resources Director for the approval of a change in point of diversion and place of use of water from Thompson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John DeYoung and recorded at Page 33158, Volume 25, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.09 cubic foot per second of water from Thompson Creek for the irrigation of, among other lands, 0.8 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 38 South, Range 4 West, W.M., with a date of priority of December 13, 1960. These lands are irrigated from a point of diversion located 550 feet South and 1360 feet West from the Northeast corner of Section 28, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 38 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right appurtenant to 0.3 acre, without loss of priority, to another 0.2 acre tract in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 38 South, Range 4 West, W.M., and to irrigate these lands, together with the remaining 0.5 acre of the aforementioned lands from a point of diversion to be located 740 feet South and 1470 feet West from the Northeast corner of Section 28, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 38 South, Range 4 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, nor is notice for publication required for a change in place of use of water.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 0.3 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 38 South, Range 4 West, W.M., with a date of priority of December 13, 1960, be severed therefrom and simultaneously and without loss of priority transferred to another 0.2 acre tract in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 38 South, Range 4 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Thompson Creek, to wit:

From a point located 550 feet South and 1360 feet West from the Northeast corner of Section 28, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 38 South, Range 4 West, W.M.

To a point to be located 740 feet South and 1470 feet West from the Northeast corner of Section 28, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 38 South, Range 4 West, W.M.

for the irrigation of 0.7 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 38 South, Range 4 West, W.M., with a date of priority of December 13, 1960, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in place of use and 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 0.01 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 headgates 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 John DeYoung and recorded at Page 33158, Volume 25, 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 and completion of the authorized change in point of diversion, a certificate of water right shall be issued to John E. and Maxine E. DeYoung confirming the extent to which water has been applied beneficially and confirming the change in point of diversion.

Dated at Salem, Oregon, this 1st day of July, 1976.

/s/ JAMES E. SEXSON
Director

John E. and Maxine E. DeYoung
Legal description:

JU 22-03420

②

ALL IN
FIRE

D. GILL

PATROL 8-11-75

40-1 384W28-SEC 103

OUT OF
100

10.41
AC

PART OF 69-05969

BEG 2092.13 FT S AND
961.06 FT NW OF NE COR
SEC 28 IN T38S R4W
N.M. JCO; TH CONTINUE NW
1025 FT M/L TO THE C/L
OF THOMPSON CREEK; TH
NE 100 FT; TH NW 320 FT
M/L TO THE NW SE R/W OF
THOMPSON CREEK ROAD;
TH NELY ALONG ROAD 110 FT
M/L TO THE SLY LINE OF A
PRIVATE ROAD; TH/NLY AND
ELY FOLLOWING THE SLY
BOUNDARY OF SAID PRIVATE
ROAD 1392.52 FT; TH SW;
277.09 FT TO THE CENTER
OF HINKLE GULCH; TH SELY
ALONG GULCH 650 FT M/L; TH
SW 140.34 TO POB

(SPLIT PARCELS)

RECEIVED

MAY - 31 1976

WATER RESOURCES DEPT
SALEM, OREGON

T-3403

RECEIVED

MAY - 31976

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, John E. DeYoung and Maxine E. DeYoung
(Name of applicant)

of 1095 Thompson Creek Rd. 1, County of Tackson
(Postoffice)

State of Oregon 97530, do hereby make application for change

in point of diversion and 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 Thompson 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 pipeline.

4. The point of diversion is located 550 ft. S. and 1360 ft. W. from the NE
(N. or S.) (E. or W.)

corner of Section 28 being within the NW 1/4 NE 1/4
(Section or subdivision)

of Section 28 Tp. 38 S R. 4 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
38 S.	4 W.	28	0.5	CIPOD only.														
			0.3	CIPOD and CIPOU.														

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? December 13, 1960.

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

of permit 27109.

Appl 34514

10. Do you hold a water right certificate? Yes. If so, give number of certificate 33158.
(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? Yes, John DeYoung.
(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 $\frac{1}{4}$
38 S.	4 W.	28	0.2	0.1														

(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 740 ft. S. and 1470 ft. W. from the NE
(N. or S.) (E. or W.)
corner of Sec. 28 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28 Tp. 38 S. R. 4 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 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.? 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 put diversion point on owners property.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson } ss.

I, John E. and Maxine E. DeYoung, 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.

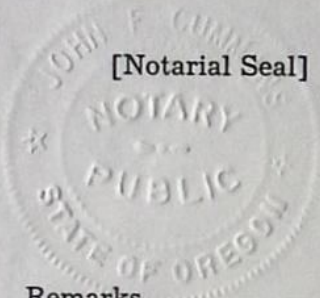
In Witness Whereof, I have hereunto set my hand this 30 day of APRIL, 1976

x John E. DeYoung
x Marie E. DeYoung
(Name of applicant)

Subscribed and sworn to before me this 30 day of April, 1976

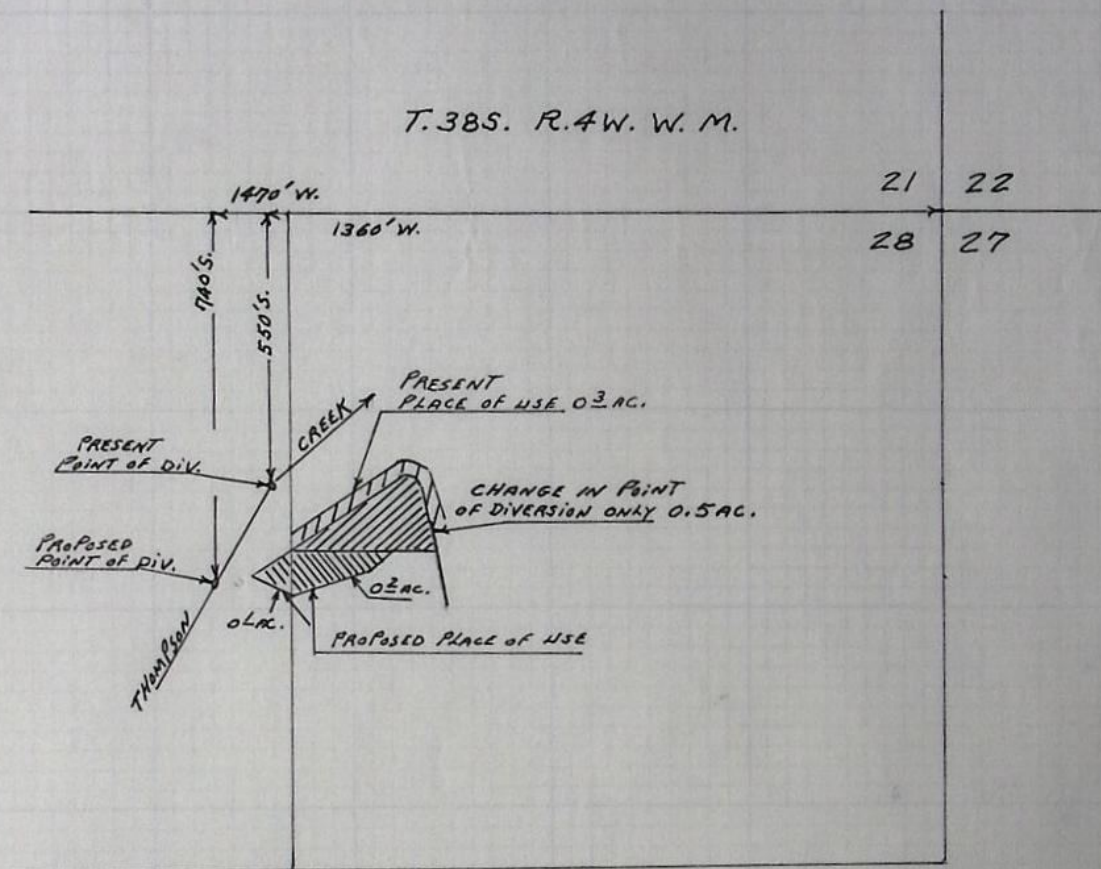
John F. Cummins
NOTARY PUBLIC FOR OREGON

My commission expires 21 JANUARY 1980



Remarks

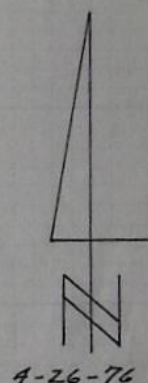
THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



MAP TO ACCOMPANY APPLICATION OF
JOHN E. AND MAXINE E. DE YOUNG FOR
CHANGE IN POINT OF DIVERSION AND CHANGE
IN PLACE OF USE

SCALE 1" = 400'

RECEIVED
MAY - 31 1976
WATER RESOURCES DEPT.
SALEM, OREGON



T-3403

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 3403

I, John E. DeYoung hereby certify that
on June 1, 1976 the water has been applied to
the lands to which the water right was transferred by an order of the
Water Resources Director dated July 1, 1976, approving an
application for a change in place of use of water from Thompson
Creek.

August 20, 1976 Date
John E. DeYoung Signature
Marnie E. DeYoung

RECEIVED

AUG 23 1976

WATER RESOURCES DEPT
SALEM, OREGON

T-3403



WATER RESOURCES DEPARTMENT

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

April 30, 1976

ROBERT W. STRAUB
GOVERNOR

JAMES E. SEXSON
Director

WATER POLICY REVIEW
BOARD

EMERY N. CASTLE
Chairman
Corvallis

CHAPIN D. CLARK
Vice Chairman
Eugene

GEORGE H. PROCTOR
Klamath Falls

ANN W. SQUIER
Portland

RICHARD ROY
Portland

JAMES HILL
Arch Cape

JEAN FROST
Portland

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

Attention: Mr. Trevor Jones

Dear Mr. Jones:

I am enclosing an application in the names of John E. and Maxine E. DeYoung of 1095 Thompson Creek Road, Applegate, Oregon 97530, for a change in point of diversion and a change in place of use of water from Thompson Creek, together with their check in the sum of \$49 to cover transfer fees.

It is my opinion that this proposed transfer may be made, both for point of diversion and place of use, without injury to existing rights; also I believe the second provision relative to pumping plants would be the best to incorporate within the order.

No advertising is necessary.

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, Dist. 13

DCH:pg

enclosures

RECEIVED

MAY - 31976

WATER RESOURCES DEPT.
SALEM, OREGON

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
										1'						Decree, Vol 4 Page 34		16466
8'																Decree, Vol 4 Page 34		16468 ✓ OK
9'	10'	12'										14'				Decree, Vol 4 Page 34		16468 ✓ OK
										5'	5'					Decree, Vol 4 Page 53		
																Decree, Vol 4 Page 54		
																Decree, Vol 4 Page 54		
																Decree, Vol 4 Page 54		
																Decree, Vol 4 Page 54		
20'	5'	20'	15'					20'		10'		20'				Supplemental 42877		?
20'	5'	20'	15'					28'	20'	30'	14'	10'				6037	3752	4466 ✓
20'	5'	20'	15'					28'	20'	30'	14'	10'				14170	12361	
										18'	52'					Supplemental		
										6'						17207	12929	12056
																Decree, Vol 16 Page 523		
																Findings, Vol 13 Page 426		32971
																Decree, Vol 16 Page 523		32972
																Findings, Vol 13 Page 426		32972
																Decree, Vol 16 Page 523		32985
																Findings, Vol 13 Page 430		

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
										Dom Stock						Decree, Vol 16 Page 523		
										Dom Stock						Findings, Vol 13 Page 430		32987
										Dom Stock						Decree, Vol 16 Page 523		
										Dom Stock						Findings, Vol 13 Page 430		32988
Dom Stock 82'	Dom Stock 3'	Dom Stock 92'						Dom Stock 22'		Dom Stock 162'		Dom Stock 122'				Decree, Vol 16 Page 523		32991 ✓ OK
Dom Stock 18'		Dom Stock 10'	Dom Stock 12'									Dom Stock 14'				Supplemental 527		
																Findings, Vol 13 Page 431		32991 ✓ OK
																19851	15430	CANCELLED
																23165	18247	15696
																23306	18380	CANCELLED
																34030	26936	31058
																10	527	
																10	527	32986
49																34514	27109	33158
26																34514	27109	33158

(SEE BACK OF CARD FOR PLAT OF SECTION)

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
																34594	27165	
										127	63	76				34594	27165	33159
										32	79	60				34957	27416	38766
166	110	197	150					139	101	137	372	251	151	07	259	10	32253	40543 ✓ OK
127			13													Supplemental 11673	35638	41237
																G-5657	6-5021	
										72	130	07			10	14170	12361	42878
166	110	197	150					134	101	137	300	121	151		254	Supplemental 14170	12361	42878
																T-3403		
																T-3403		
																T-3403		

chg
POD → 05
chg
POD & POV → 03
02 01