

3228

## STATUS OF APPLICATION

Change in point of diversion  
 Date filed 5-16-75  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 2-3-76 Vol. 26, page 343  
 Date for application of water 10-1-76  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued JUL 7 1978 Vol. 38, page 46041

Survey 3/76  
7-3-78 JRS

## REMARKS

## DESCRIPTION OF WATER RIGHT

Name of stream Umpqua River  
 Trib. of \_\_\_\_\_ County of Douglas  
 Use irrigation  
 Quantity of water 0.62 No. of acres 50<sup>2</sup>  
 Name of ditch \_\_\_\_\_  
 Date of priority March 14, 1957  
 In name of Wilbert Lee  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 31426 Per. No. 24763 Cert. No. 26965  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## DVA Notification

## FEES PAID

Date	Amount	Receipt No.
<u>5/16/75</u>	<u>30.00</u>	<u>46870</u>
TOTAL . . .		
<u>6-20-78</u>	<u>\$2</u> Cert. Fee	<u>4156</u>

## FEES REFUNDED

Date	Amount	Check No.

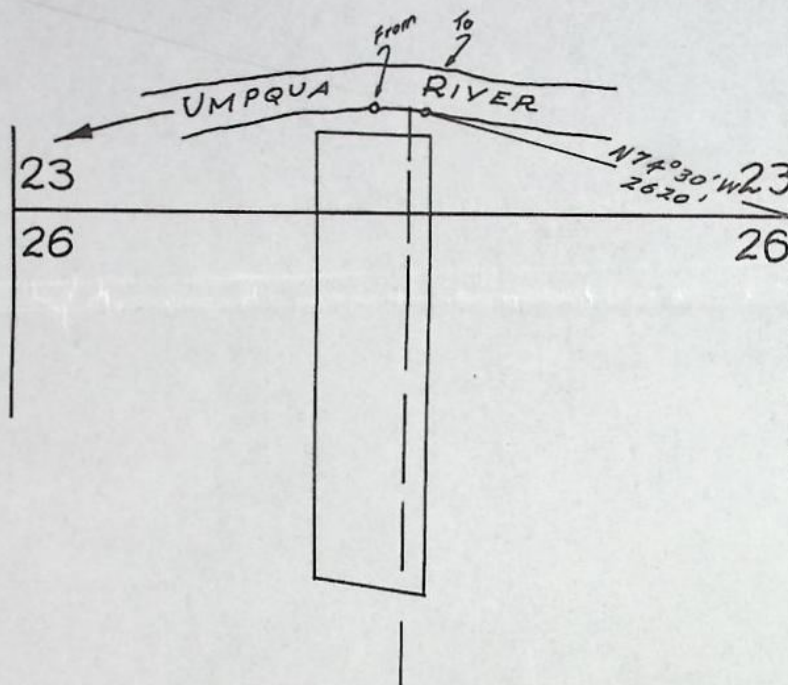
TO BE ENTERED WHEN CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>AW</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Stream		<u>AW</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Pt. of Div.		<u>WH</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Calendar		<u>WH</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.		<u>AW</u>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Decree-vault		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Decree-safe		<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Cert. of W/R		<u>AW</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Per. Folder		<u>AW</u>	<input type="checkbox"/>
<input type="checkbox"/>	Chainindex		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Cross Ref.		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Power Claim		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Abstracts		<input type="checkbox"/>	<input type="checkbox"/>

T-3228

RECEIVED

MAY 16 1975

STATE ENGINEER  
SALEM, OREGON



Tp. 25 So. R 7 W W.M.

1" = 1320'

RECEIVED

JAN 7 1976

WATER RESOURCES DEPT.  
SALEM, OREGON



RECEIVED

MAY 16 1975

STATE ENGINEER  
SALEM, OREGON

RECEIVED

JAN 7 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

7-3228

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Delbert G. Upton

(Name of applicant)

of R.R. Box 121A, Umpqua  
(Postoffice)County of DouglasState of Oregondo hereby make application for change in point ofdiversion

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

1. The source of present water right is Umpqua 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 \_\_\_\_\_

4. The point of diversion is located 700 ft. N. and 240 ft. W. from the S $\frac{1}{4}$ 

(N. or S.)

(E. or W.)

corner of Section 23

(Section or subdivision)

being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ of Section 23 Tp. 25S. R. 7W. W. M., in the County of Douglas

(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 $\frac{1}{4}$
25S.	7W.	23												7.7			1.8	
		26		4.8	4.2			17.7		13.8								

all  
0.62-10

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? yes8. What is the date of priority of your water right? March 14, 19579. Was your water right acquired by State Engineer's Permit? yes If so, give number

(Yes or No)

of permit yes 29763



10. Do you hold a water right certificate? Yes If so, give number of certificate 26965  
(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 - Hilbert Lee  
(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

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

N. 74 degrees 30' W., 2620'

14. The proposed point of diversion is located        ft.        and        ft.        from the SE  
(N. or S.) (E. or W.)  
corner of Sec. 23 being within the SW¼ SE¼ of Section 23 Tp. 25S. R. 7W. W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of Douglas 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.? No  
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgage	Oregon Vets	\$53,000.

20. Reasons for the proposed changes are To facilitate installation of  
main power line along East edge of land.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,  
County of Douglas } ss.

I, Delbert G. Upton, 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 25th day of February, 1975

Delbert G. Upton  
(Name of applicant)

Subscribed and sworn to before me this 25th day of February, 1975

[Notarial Seal]

M. J. Young  
NOTARY PUBLIC FOR OREGON  
My commission expires 4-18-76

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



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION  
OF DELBERT G. UPTON FOR THE  
APPROVAL OF A CHANGE IN POINT OF  
DIVERSION OF WATER FROM UMPQUA RIVER  
-----

ORDER APPROVING  
TRANSFER NO. 3228

On May 16, 1975, Delbert G. Upton filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Hilbert Lee and recorded at Page 26965, Volume 19, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.62 cubic foot per second of water from Umpqua River for the irrigation of 7.7 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.8 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, 4.8 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 4.2 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 17.7 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 13.8 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26, Township 25 South, Range 7 West, W.M., with a date of priority of March 14, 1957. These lands are irrigated from a point of diversion located 700 feet North and 240 feet West from the South quarter-corner of Section 23, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 23, Township 25 South, Range 7 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 North 74 degrees 30 minutes West, 2620 feet from the Southeast corner of Section 23, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, Township 25 South, Range 7 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. M. John Youngquist, Watermaster of District No. 15, 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 objections 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 Umpqua River, to wit:

From a point located 700 feet North and 240 feet West from the South quarter-corner of Section 23, being within the  $SE\frac{1}{4}$   $SW\frac{1}{4}$  of Section 23, Township 25 South, Range 7 West, W.M.

To a point to be located North 74 degrees 30 minutes West, 2620 feet from the Southeast corner of Section 23, being within the  $SW\frac{1}{4}$   $SE\frac{1}{4}$  of Section 23, Township 25 South, Range 7 West, W.M.,

for the irrigation of 7.7 acres in  $SE\frac{1}{4}$   $SW\frac{1}{4}$  and 1.8 acres in  $SW\frac{1}{4}$   $SE\frac{1}{4}$ , Section 23, and 4.8 acres in  $NW\frac{1}{4}$   $NE\frac{1}{4}$ , 4.2 acres in  $SW\frac{1}{4}$   $NE\frac{1}{4}$ , 17.7 acres in  $NE\frac{1}{4}$   $NW\frac{1}{4}$ , and 13.8 acres in  $SE\frac{1}{4}$   $NW\frac{1}{4}$ , Section 26, Township 25 South, Range 7 West, W.M., with a date of priority of March 14, 1957, 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, 1976.

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 0.62 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 Hilbert Lee and recorded at Page 26965, Volume 19, 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 Delbert G. Upton confirming the change in point of diversion.

Dated at Salem, Oregon, this 3rd day of February, 1976.

/s/ JAMES E. SEXSON  
Director

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON



Transfer No. 3228

NOTICE OF COMPLETION OF CONSTRUCTION

I, Dalbert E. Upton, 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 ~~State Engineer~~ <sup>WATER RESOURCES DEPARTMENT</sup> dated Oct. 1, 1976, approving an appli-  
cation for a change in point of diversion of water from \_\_\_\_\_

Umpqua River.

March 18, 1976  
Date

Dalbert E. Upton  
Name

RECEIVED

MAR 19 1976

WATER RESOURCES DEPT.  
SALEM, OREGON



## CHANGE IN POINT OF DIVERSION

REPORT ON INSPECTION UNDER  
TRANSFER OF WATER RIGHT FORTransfer No. 3228County Douglas

1. Name Delbert G. Upton Address R.R. Box 121A, Umpqua 97486
2. Source of Supply Umpqua River, Trib. of \_\_\_\_\_
3. Amount of Water 0.62 cfs Priority Date March 14, 1957
4. Use irrigation
5. Proposed Point of Diversion North 74 degrees 30 minutes West, 2620 feet from the SE corner of Sec. 23, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 23, T. 25 S., R. 7 W.
6. Place of Use DATE FOR APPLICATION OF WATER: 10/1/76

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
25S	7W	23	SE $\frac{1}{4}$ SW $\frac{1}{4}$		6.2 acres
25S	7W	23	SW $\frac{1}{4}$ SE $\frac{1}{4}$		1.8 acres
25S	7W	26	SW $\frac{1}{4}$ NE $\frac{1}{4}$	w/in HUBBARD D.C. 41	4.2 acres
25S	7W	26	NW $\frac{1}{4}$ NE $\frac{1}{4}$		4.8
25S	7W	26	NE $\frac{1}{4}$ NW $\frac{1}{4}$		17.7 acres
25S	7W	26	SE $\frac{1}{4}$ NW $\frac{1}{4}$		13.8 acres
					50 <sup>e</sup>

INSPECTION  
5-27-76  
R.G.M.  
(also on page 2)

244-133

31426  
51940



INFO: Mr. Upton - Div. moved & level riv. on filed.

DIV. - Direct

PUMP - Pacific D.D. CENTR. 3" x 4"

MOTOR - G.E. 25 HP. @ 3450 RPM.

PIPE - 3600' - 4" & 5" ALUM MAIN  
3200' - 3" ALUM

HEADS - 80 RB. 30's  $\frac{3}{16}$  x 0 45 MAX.

CROR - PASTURE & TRUCK GARDEN

LIFT - 40'

TIE - Compared app'l. made to BTR-2HH-133 - it looks good.

5-27-76

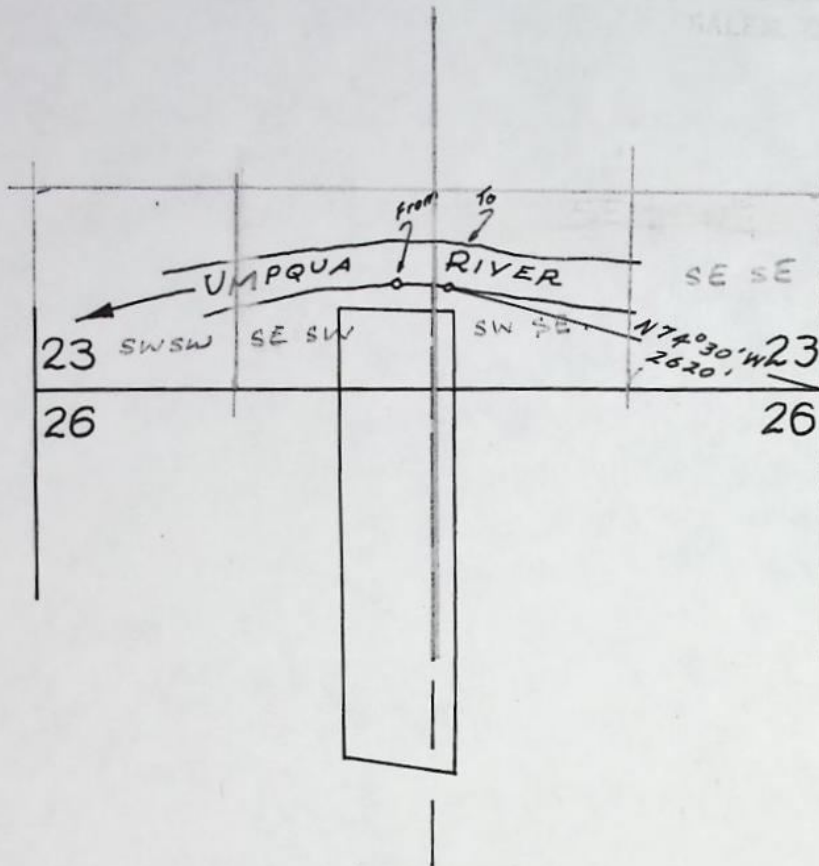
R.G. Muehlen



REGISTERED

MAY 18 1975

STATE ENGINEER  
RALPH B. BROWN



Tp. 25 So. R 7 W W.M.  
1" = 1320'

RECEIVED

JAN 7 1976

WATER RESOURCES DEPT.  
SALEM, OREGON



## NOTICE OF INTEREST IN WATER RIGHT

**RECEIVED**

AUG 22 1985

WATER RESOURCES DEPT.  
SALEM, OREGON

To: Director of Water Resources  
555 13th Street, N.E.  
Salem, Oregon 97310

This is to notify you of an interest in the following described water right:

Loan Number L95652  
Borrower's Name UPTON, Delbert G.  
Mailing Address \_\_\_\_\_

Property being served by the water:

Township <u>25 S</u>	Township _____	Township _____
Range <u>7 W</u>	Range _____	Range _____
Section <u>26</u>	Section _____	Section _____
Tract _____	Tract _____	Tract _____

Water Right Numbers: T3228  
Permit Number(s) ~~24763~~  
Certificate Number(s) 46041  
Irrigation District Umpqua River  
50 Ac

The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon, 97310.

DM

8-29-85

Attention: Butch Gehley, Appraisal Coordinator

## Attachments:

- ☒ Legal Descriptions  
☒ Plat Map  
☐ Please return copy to ODVA



25 7 26

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY.

SEE MAP 26 7 23

Г-400

UMPQUA

RIVER

45-00

REF MAP 25 7 75

\$32.000

SW COR.  
DCL NO. 40

26 25

LOT 3 0.80

N

SEW COR.  
JAMES COLE  
DCL NO. 45