

## STATUS OF APPLICATION

Change in point of diversion  
 Date filed 5-27-75  
 Date of hearing 2-10-76  
 Place of hearing Medford  
 Date of order 2-4-76 Vol. 26, page 349  
 Date for application of water 10-1-76  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued AUG 30 1976 Vol. 35, page 43584

JUN 14 1979

4 Survey 2/76  
Rechecked 4/79  
48145

## DESCRIPTION OF WATER RIGHT

Name of stream Logue River  
 Trib. of \_\_\_\_\_ County of Jackson  
 Use irrigation  
 Quantity of water 0.162 cfs No. of acres 0.5  
 Name of ditch \_\_\_\_\_  
 Date of priority March 16, 1928  
 In name of Lena M. Christensen, Wayne J. Bateman and  
Mar. A. Williams  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 11985 Per. No. 8386 Cert. No. 39594  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
5-27-75	30.00	47040
12-3-75	45.00 p.o.n.	50502
TOTAL . . .	<u>\$400</u>	
1-16-76	Cert. Fee	50502

## FEES REFUNDED

Date	Amount	Check No.

## REMARKS

Previous transfers see Tr 3259

B-126

T-2383

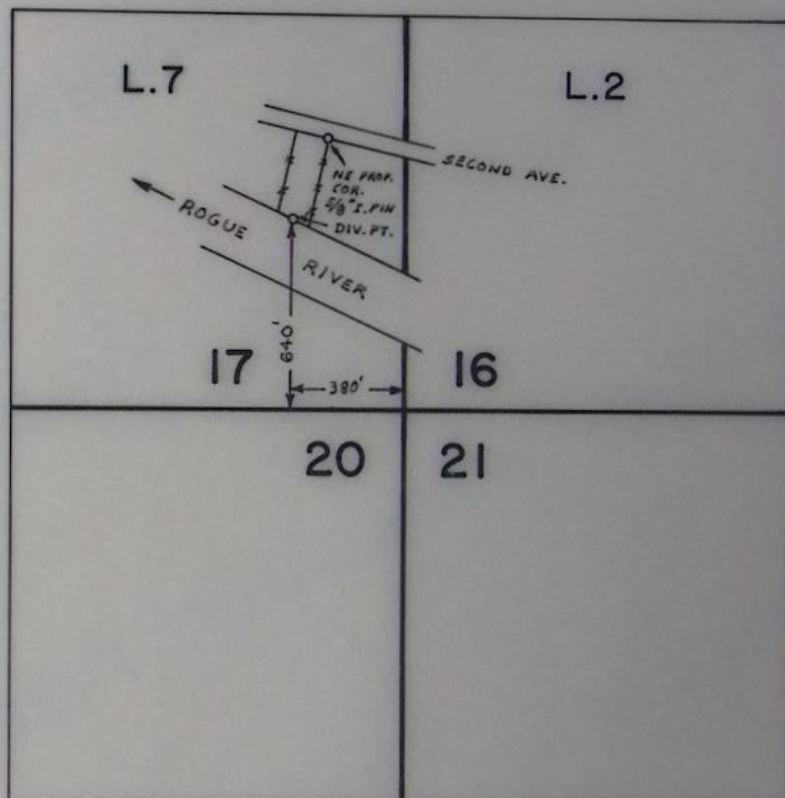
T-2615

T-2771

INDEX CARDS:		Entered	Checked
<u>WH</u>	Name	<u>✓</u>	<u> </u>
<u>WH</u>	Stream	<u>✓</u>	<u> </u>
<u>WH</u>	Pt. of Div.	<u>✓</u>	<u> </u>
<u>WH</u>	Calendar	<u>✓</u>	<u> </u>
<u>✓</u>	Twp. & Rge.	<u>WH</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>WH</u>	<u> </u>
<u>✓</u>	Per. Folder	<u>WH</u>	<u> </u>
<u> </u>	Chsindex	<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>



T. 36 S., R. 3 W., W.M.



SCALE: 1" = 660 FT.

**FINAL PROOF SURVEY**  
UNDER

Transfer No. 3238

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

Surveyed SEPT. 21 1978 by B. SUND

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF ALFRED E. AND MILDRED H. WARD )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
ROGUE RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. 3238

On May 27, 1975, Alfred E. and Mildred H. Ward filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Soren M. Christensen, Wayne J. Bateman and Mart A. Williams and recorded at Page 39594, Volume 31, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.162 cubic foot per second of water from Rogue River for the irrigation of, among other lands, 0.5 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, Township 36 South, Range 3 West, W.M., with a date of priority of March 16, 1928. These lands are irrigated from a point of diversion located North 58 degrees East 550 feet from the Southwest corner of Section 16, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16, Township 36 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 670 feet North and 340 feet West from the Southeast corner of Section 17, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, Township 36 South, Range 3 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on February 10, 1976, at 1:30 p.m. The notice was published in the Medford Mail Tribune, a newspaper printed



and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of December 16, 23, and 30, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 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 Rogue River, to wit:

From a point located North 58 degrees East 550 feet from the Southwest corner of Section 16, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 16, Township 36 South, Range 3 West, W.M.

To a point to be located 670 feet North and 340 feet West from the Southeast corner of Section 17, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17, Township 36 South, Range 3 West, W.M.,

for the irrigation of 0.5 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, Township 36 South, Range 3 West, W.M., with a date of priority of March 16, 1928, 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 0.01 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.

On February 3, 1976, an order was entered by the Water Resources Director approving a change in point of diversion for part of the right evidenced by the certificate of water right recorded at Page 39594, State Record of Water Right Certificates. Said order also canceled the certificate recorded at Page 39594.

It is FURTHER ORDERED that a new certificate be issued covering the balance of the right not involved in the change approved herein and the change approved February 3, 1976.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein, a certificate of water right shall be issued to Alfred E. and Mildred H. Ward confirming the change in point of diversion.

Dated at Salem, Oregon, this 4th day of February, 1976.

/s/ JAMES E. SEXSON  
Director



9-21-78 BRS  
PTS-1978-14-C

REPORT ON INSPECTION UNDER  
TRANSFER OF WATER RIGHT FOR

8 855-7482

1994 2D AVE

2D AVE  
Box 140

—

Priority Date

640

380

10/1/76

[illegible]

Info: Peter VanWaardenberg, purchased about 1 yr. ago.

MOTOR: STA-RITE 2HP @ 3450 RPM

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

DIV. PT.: ROGUE RIVER, DIRECT

PIPE: MAIN:  $1\frac{1}{2}"$  - 200' PLASTIC

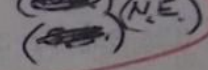
1" - 200' PLASTIC

$\frac{3}{4}"$  - 250' Garden Hose

Sprinklers: 7 MAX. - RAINTRON

LIFT: 20' PUMP  
5' SUCTION

USE: YARD, GARDEN

TIE: PTS-1978-14-C, Prop. Cor.  ?

Bruce R Sund

F.E.

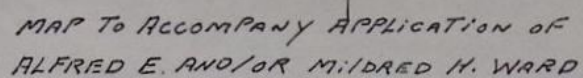
9-21-78

$$\frac{2(6.61)}{114 + 25}$$

$$= 0.095 \text{ c.f.}.$$



32061  
2705



7-3238



## SCHEDULE A-1

The land referred to in the policy is described as:

PARCEL 1: Commencing at an iron pin and right of way post on the Southerly right of way line of Old Pacific Highway, from which the Quarter corner common to Sections 17 and 20, in Township 36 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon, bears South, 1093.08 feet, and West, 1334.61 feet; thence along said Southerly right of way line as follows: South  $87^{\circ} 26' 00''$  East, 50.0 feet to a point of curve, Southeasterly, on the arc of a 1402.69 foot radius curve to the right, 242.37 feet to a point of tangent (the long chord bears South  $82^{\circ} 29' 00''$  East, 242.07 feet), and South  $77^{\circ} 32' 00''$  East, 657.88 feet, to the true point of beginning; thence continue along said Southerly right of way line, South  $77^{\circ} 32' 00''$  East, 31.80 feet to a point of curve Southeasterly on the arc of a 379.26 feet radius curve to the right, 68.57 feet (the chord of which curve bears South  $72^{\circ} 21' 14''$  East, 68.48 feet); thence South  $12^{\circ} 28'$  West, 232.51 feet to a point on the South line of tract described in Document No. 67-00735 of the Official Records of Jackson County, Oregon; thence along the South line, North  $68^{\circ} 32' 40''$  West, 101.24 feet to the Southwest corner thereof; thence North  $12^{\circ} 28'$  East, along the West line of said tract, 222.87 feet to the true point of beginning.

RECEIVED

MAY 27 1975

STATE ENGINEER  
SALEM, OREGON

T-3238

T-3038



REGISTERED  
OREGON  
LAND SURVEYOR

Edward J. McIntyre

EDWARD A. MCGINLEY  
301

SURVEY IN SE 1/4 SEC 17 T36S R3W WM  
FOR  
CAL - ORE RANCHES  
FAYDREX INC.

BY EDWARD MCGINTY  
MEDFORD OREGON  
MAY 1971

SCALE 1" = 50'

O = SET 5/8" I. PIN

● = FD. 3/4" I. PIPE

FD. 11/8" I. PIN

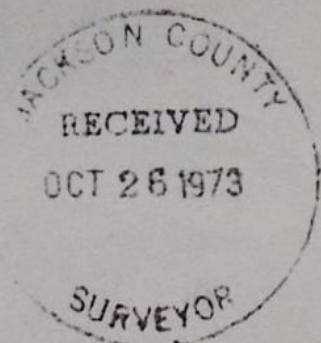
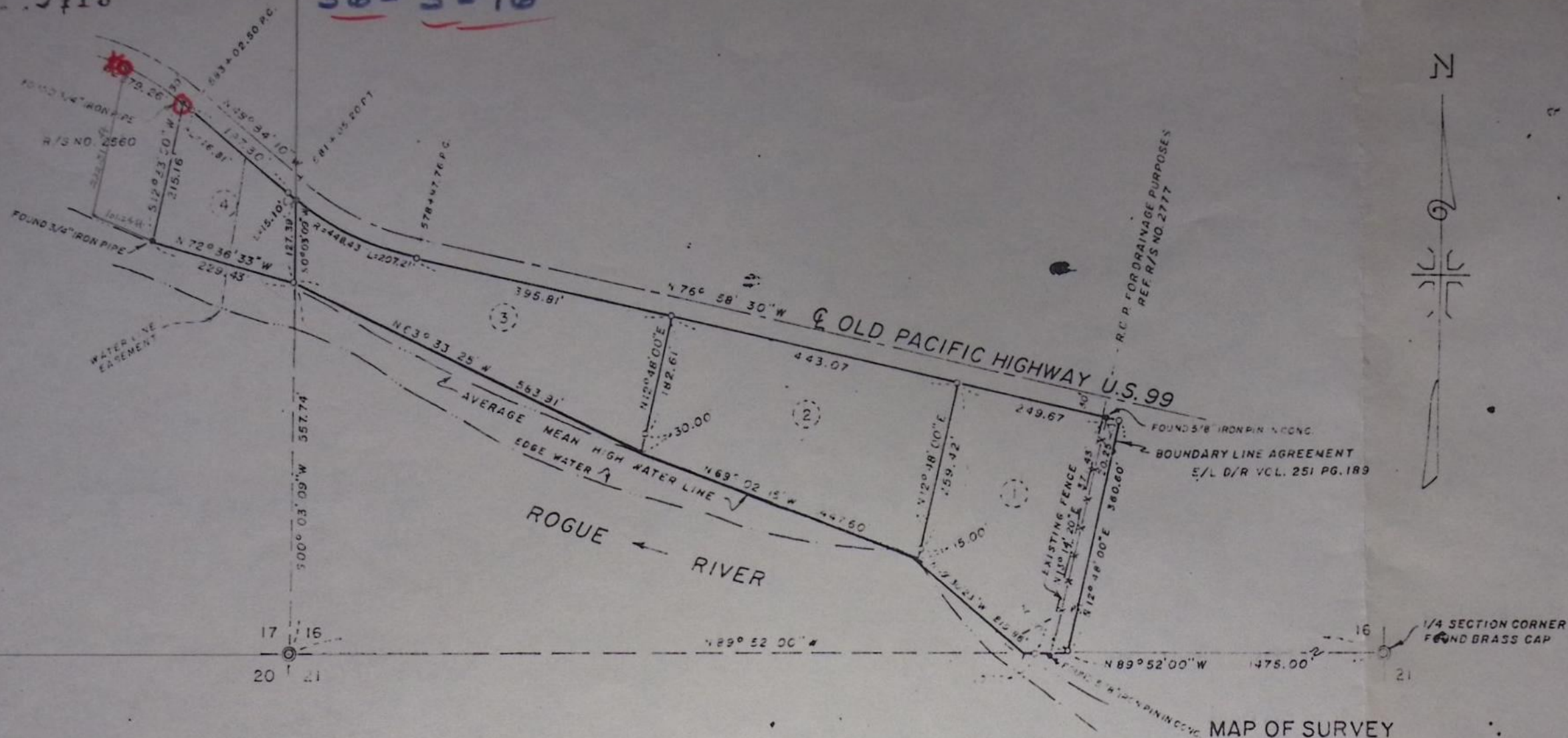
4587-14

4587



5419

36-3-16



*J. A. Hoffbuhr*

MAP OF SURVEY  
LOCATED IN  
SOUTH 1/2 OF THE S.W. 1/4 OF SECTION 16, T. 36 S., R. 3 W., W.M.  
JACKSON COUNTY OREGON  
FOR  
SOREN M. CHRISTENSEN

J. A. HOFFBUHR, REG. L.S., MEDFORD, OREGON  
SCALE: 1"=200'  
BASIS OF BEARING  
JULY 23, 1973  
R/S NO. 2777  
O=SET 5/8" X 24" IRON REINFORCING PIN

5419

5419-A

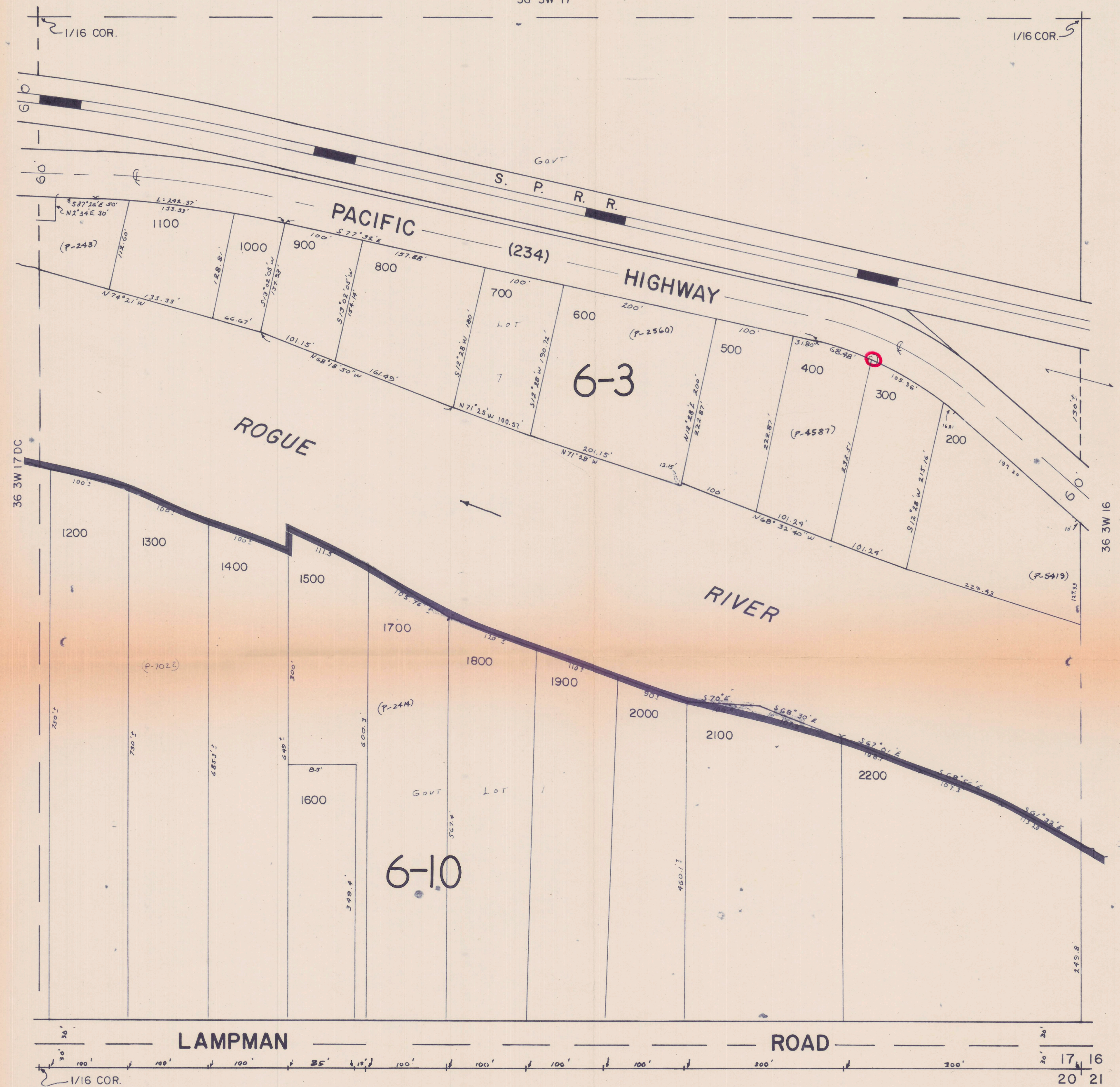


S.E. 1/4 S.E. 1/4 SEC. 17 T. 36S. R. 3W. W.M.

36 3W 17DD

SCALE 1" = 100'

36 3W 17



TR-3259

S

TR-3238

36S. 3W. 17DD

LAMPMAN

ROAD

36 3W 20

ROCK POINT

10-29-71  
T.A.H.



**SCHEDULE A-1**

The land referred to in the policy is described as:

**PARCEL 1:** Commencing at an iron pin and right of way post on the Southerly right of way line of Old Pacific Highway, from which the Quarter corner common to Sections 17 and 20, in Township 36 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon, bears South, 1093.08 feet, and West, 1334.61 feet; thence along said Southerly right of way line as follows: South  $87^{\circ} 26' 00''$  East, 50.0 feet to a point of curve, Southeasterly, on the arc of a 1402.69 foot radius curve to the right, 242.37 feet to a point of tangent (the long chord bears South  $82^{\circ} 29' 00''$  East, 242.07 feet), and South  $77^{\circ} 32' 00''$  East, 657.88 feet, to the true point of beginning; thence continue along said Southerly right of way line, South  $77^{\circ} 32' 00''$  East, 31.80 feet to a point of curve Southeasterly on the arc of a 379.26 feet radius curve to the right, 68.57 feet (the chord of which curve bears South  $72^{\circ} 21' 14''$  East, 68.48 feet); thence South  $12^{\circ} 28'$  West, 232.51 feet to a point on the South line of tract described in Document No. 67-00735 of the Official Records of Jackson County, Oregon; thence along the South line, North  $68^{\circ} 32' 40''$  West, 101.24 feet to the Southwest corner thereof; thence North  $12^{\circ} 28'$  East, along the West line of said tract, 222.87 feet to the true point of beginning.

**RECEIVED**

MAY 27 1975

STATE ENGINEER  
SALEM, OREGON

T-3238



RECEIVED

MAY 27 1975

STATE ENGINEER  
SALEM, OREGON

T-3238

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Alfred E. and Mildred H. Ward  
(Name of applicant)

of P. O. Box 149, Gold Hill, County of Jackson  
(Postoffice)

State of Oregon 97525, 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 Rogue 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 pumping plant

4. The point of diversion is located N. 58° E. 550 feet and ft. from the SW  
(N. or S.) (E. or W.)

corner of Section 16 being within the SW 1/4 SW 1/4  
(Section or subdivision)

of Section 16 Tp. 36 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
36 S.	3 W.	17																0.5 part acres

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? March 16, 1928

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

of permit 8386



10. Do you hold a water right certificate? Yes. If so, give number of certificate 39594.  
(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. Soren M. Christensen, Wayne J. Bateson  
(If not, give name) and Mart A. Williams.

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 670 ft. N. and 340 ft. W. from the SE  
(N. or S.) (E. or W.)  
corner of Sec. 17 being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17 Tp. 36 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 pumping system.

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 to put diversion point on property owners'  
land.



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

ss.

I, Alfred E. and Mildred H. Ward, 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 21st day of May, 1975

Alfred E. Ward  
Mildred H. Ward  
(Name of applicant)

Subscribed and sworn to before me this 21st 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.



NOTICE OF FILING APPLICATION  
FOR A CHANGE IN POINT  
OF DIVERSION OF WATER

Notice is given hereby that Alfred E. and Mildred H. Ward have filed an application for the approval of a change in point of diversion of water from Rogue River.

Certificate of water right issued to Soren M. Christensen, Wayne J. Bateman and Mart A. Williams and recorded at page 39594, Volume 31, State Record of Water Right Certificates, confirms a right to the use of 0.162 cubic foot per second from Rogue River, for the irrigation of, among other lands, 0.5 acre in SE $\frac{1}{4}$  Sec. 16, T. 36 S., R. 3 W., W.M., with a date of priority of March 6, 1928. Water for this use is diverted from a point located North 58° East 550 ft. from the SW corner of Sec. 16, being within the SW $\frac{1}{4}$  Sec. 16, T. 36 S., R. 3 W., W.M.

The applicant herein, owner of the land above described, proposes to irrigate these lands from a point of diversion to be located 670 ft. N. and 340 ft. W. from the SE corner of Sec. 17, being within the SE $\frac{1}{4}$  Sec. 17, T. 36 S., R. 3 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Or., on Feb. 10, 1976, at 1:30 p.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Alfred E. and Mildred H. Ward, P.O. Box 149, Gold Hill, Or., 97525, and one copy filed with the Water Resources Department, Salem, Or., 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 8th day of December, 1975.

JAMES E. SEXON  
Director

RECEIVED

JAN 2 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

Affidavit of Publication

State of Oregon, }  
County of Jackson } ss.

I, Evalynne D. Smith, being first duly

sworn, depose and say that I am the

OWNER, EDITOR, PUBLISHER, MANAGER.

Principal Clerk

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state;

that the Notice of Filing

Alfred E. Ward, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the

following issues Dec. 16, 23, 30, 1975

(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Evalynne D. Smith

Subscribed and sworn to before me this 30th day of Dec., 1975

James J. Olson  
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1977



NOTICE OF FILING APPLICATION FOR A CHANGE  
IN POINT OF DIVERSION OF WATER

Notice is given hereby that Alfred E. and Mildred H. Ward have filed an application for the approval of a change in point of diversion of water from Rogue River.

Certificate of water right issued to Soren M. Christensen, Wayne J. Bateman and Mart A. Williams and recorded at page 39594, Volume 31, State Record of Water Right Certificates, confirms a right to the use of 0.162 cubic foot per second from Rogue River, for the irrigation of, among other lands, 0.5 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, T. 36 S., R. 3 W., W.M., with a date of priority of March 6, 1928. Water for this use is diverted from a point located North 58° East 550 ft. from the SW corner of Sec. 16, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 16, T. 36 S., R. 3 W., W.M.

The applicant herein, owner of the land above described, proposes to irrigate these lands from a point of diversion to be located 670 ft. N. and 340 ft. W. from the SE corner of Sec. 17, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 17, T. 36 S., R. 3 W., W.M.

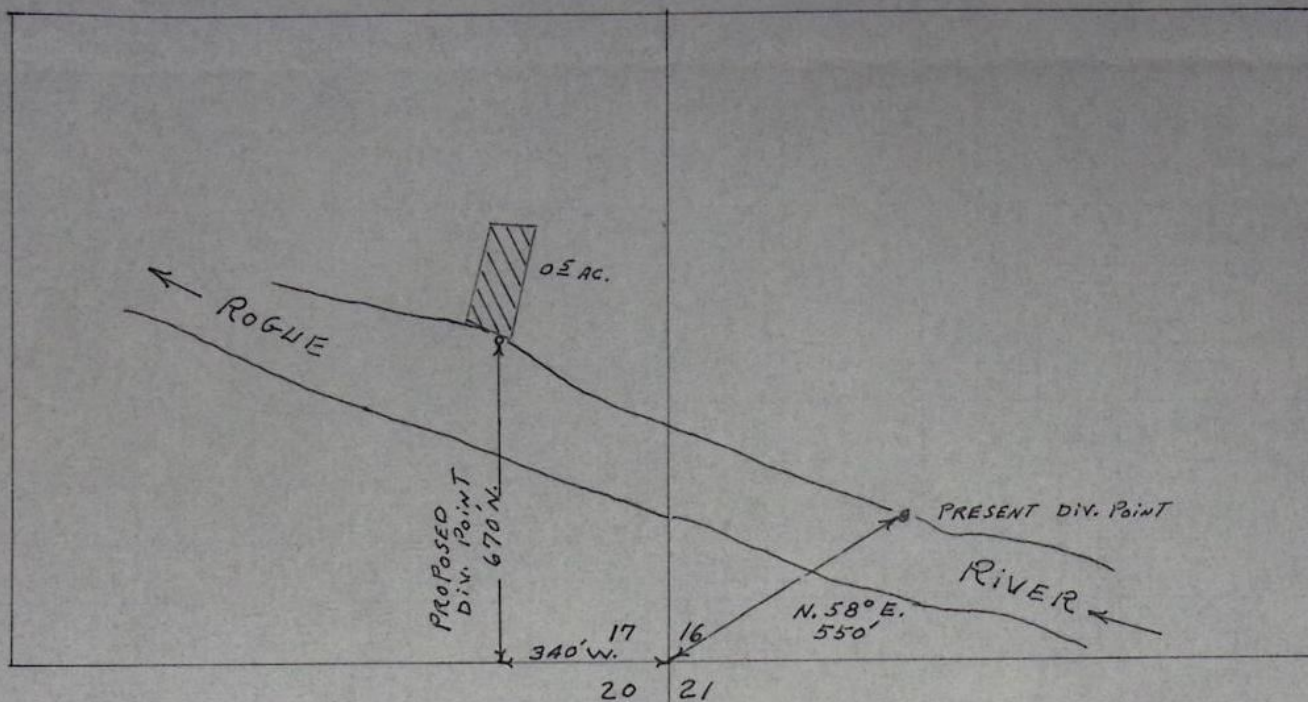
All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Or., on Feb. 10, 1976, at 1:30 p.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Alfred E. and Mildred H. Ward, P.O. Box 149, Gold Hill, Or., 97525, and one copy filed with the Water Resources Department, Salem, Or., 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 8th day of December, 1975.

JAMES E. SEXSON  
Director



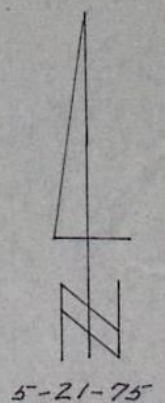
T.36.S. R.3 W. W. M.



MAP TO ACCOMPANY APPLICATION OF  
ALFRED E. AND/OR MILDRED H. WARD

RECEIVED  
MAY 27 1975  
STATE ENGINEER  
SALEM, OREGON

SCALE 1" = 400'



T-3238