

3423 Pearl A. Byrnes
1517 Palma Court Road
Jacksonville, Or. 97530

FEE PAID

| Date | Amount | Receipt No. |
|-------------|-------------------|-------------|
| 6-21-76 | 35.00 | 53778 |
| TOTAL . . . | 4.00 Cert. Fee | 53779 |

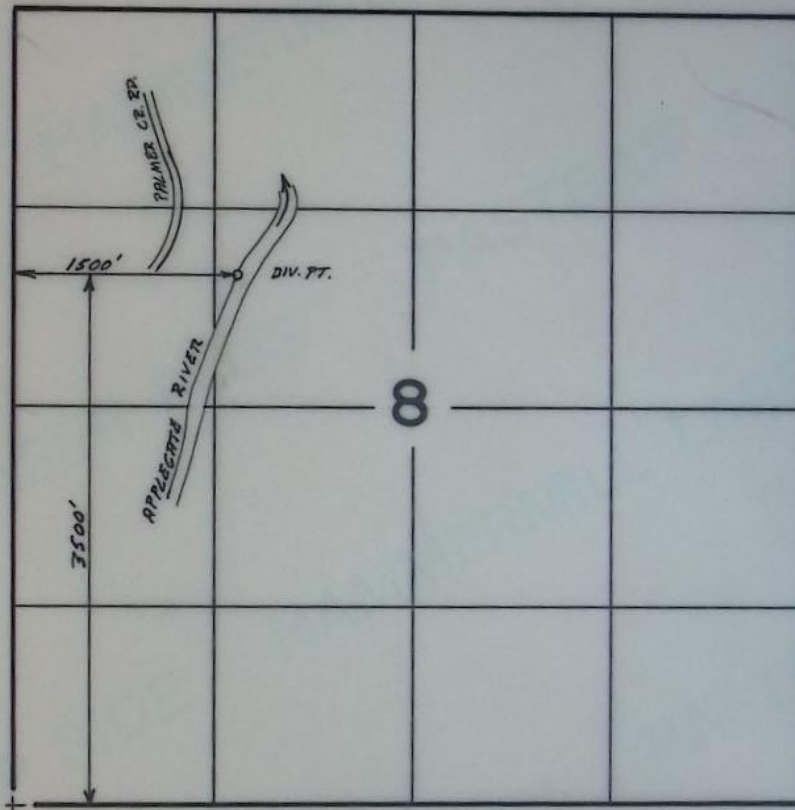
App. No. 31735 Per. No. 25015 Cert. No. 33153
 4 Certificate cancelled _____
 Notation made on record by _____

Surveyed 8/21/86

Verified _____ by _____

| TO BE ENTERED WHERE CHECKED | 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> | CHECKED TO RECORDS: | | |
| <u> </u> | Twp. & Rge. | <u>20</u> | <u> </u> |
| <u> </u> | Decree-vault | <u> </u> | <u> </u> |
| <u> </u> | Decree-sale | <u> </u> | <u> </u> |
| <u>✓</u> | Cert. of W/R | <u>20</u> | <u> </u> |
| <u>✓</u> | Per. Folder | <u>20</u> | <u> </u> |
| <u> </u> | Chainindex | <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. 40S., R. 3W., W.M.



Scale 1" = 1320'

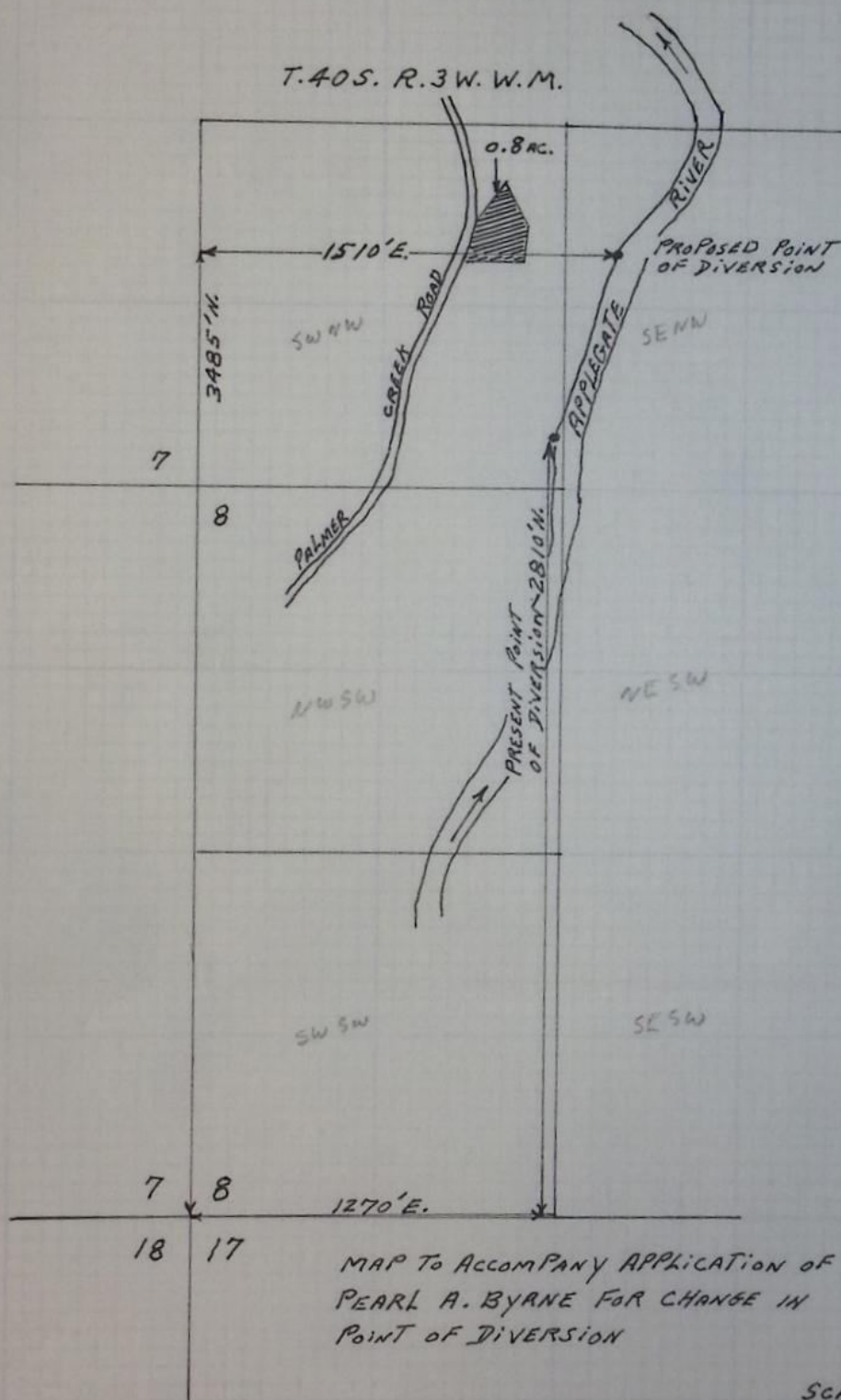
FINAL PROOF SURVEY
UNDER

Transfer No. 3428

Application No. Permit No.
IN NAME OF

..... PEARL A. BYRNE

Surveyed August 21 1986, by B.S. JAMES

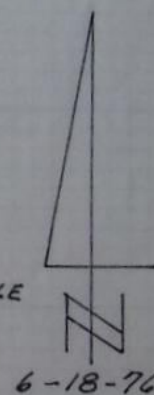


RECEIVED

JUN 21 1976

WATER RESOURCES DEPT
SALEM, OREGON

SCALE 8" = 1 MILE



6-18-76

MAR - 2 1987

WATER RESOURCES DEPT.
SALEM, OREGON

County Jackson

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

[illegible]

40125-179-752
8-21-86 BSI,
BAS 8-6-78
PTS-1978-11-A

INFO: MRS BYRNE

PUMP: $1\frac{1}{2}$ " x $1\frac{1}{4}$ "

MOTOR: SEARS ~~3/4 HP~~ @ 3450 RPM

UPDATED:

AEROMOTOR $1\frac{1}{2}$ " x $1\frac{1}{4}$ " C.D.P.

FRANKLIN ELEC., 2 HP @ 3450 RPM

PIPE: MAIN: 300' - $1\frac{1}{2}$ " PLASTIC ✓

LAT: 300' - 1" PLASTIC ✓

150' - GARDEN HOSE ✓

SPRINKLERS: 5 GARDEN TYPE ✓

ALL MAX

LIFT: 5' - SUCTION

20' - PUMP

USE: GARDEN, YARD

TIE: QTS-1978-14-A

Bruce R. Sanford
F.E.

6-6-78

INFO: TALKED TO PEARL BYRNE. INSTECTED SYSTEM.

SOURCE: APPLEGATE RIVER

SYSTEM: PUMP DIRECT FROM RIVER, THRU MAIN LINE WITH
HOSE RIBB OUTLETS. USES GARDEN HOSES WITH
SPRINKLERS.

DIVERSION: DIRECT

P: M: SEE ABOVE

EQUIPMENT: SEE ABOVE - SAME

LIFT: SAME AS ABOVE

USE: " " "

TIE: 41029-179-75R

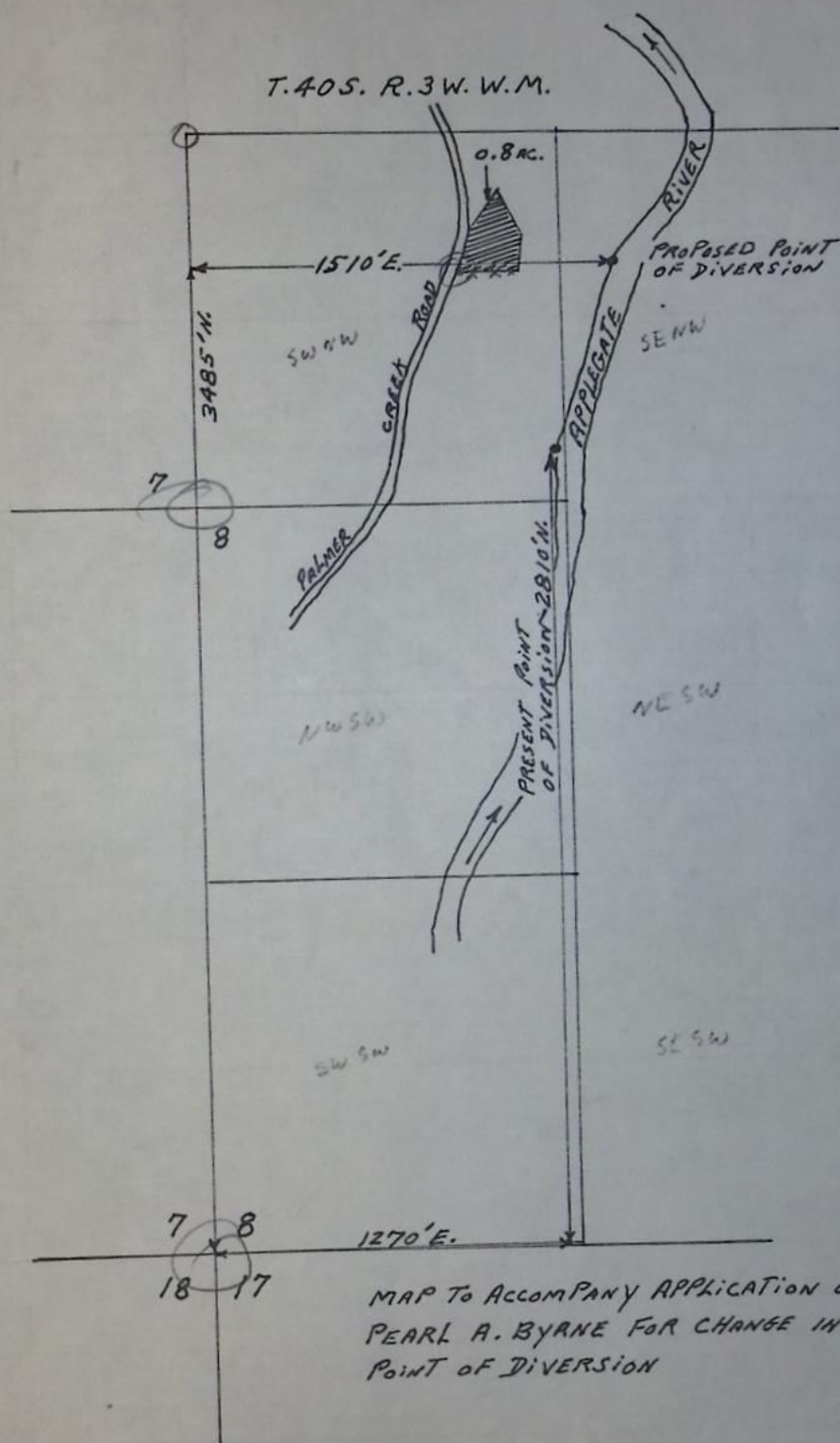
B. Sue Janner WIE 8-21-86

@ 40 PSI

$$\frac{(6.6) \cdot 75}{25 + 101.6} = 0.03$$

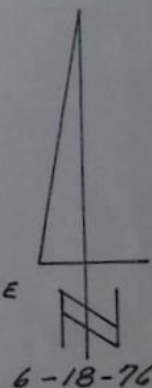
$$\frac{(2.5)(5)}{950} = 0.02$$

$$\frac{0.8}{80} = 0.01$$



MAP TO ACCOMPANY APPLICATION OF
PEARL A. BYRNE FOR CHANGE IN
POINT OF DIVERSION

SCALE 8" = 1 MILE



T-3428

RECEIVED

AUG 27 1976

WATER RESOURCES DEPT
SALEM, OREGON

Transfer No. 3428

NOTICE OF COMPLETION OF CONSTRUCTION

I, Pearl A Byrne 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 30 - 1976, approving an application
for a change in point of diversion of water from Aug 17, 1976

Sept 23 - 1976
Date

Pearl A Byrne
Name

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF PEARL A. BYRNE FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM APPELEGATE RIVER)

ORDER APPROVING
TRANSFER NO. 3428

On June 21, 1976, Pearl A. Byrne 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 John S. and Pearl A. Byrne and recorded at Page 33153, Volume 25, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.18 cubic foot per second of water from Applegate River for the irrigation of, among other lands, 0.8 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 40 South, Range 3 West, W.M., with a date of priority of July 19, 1957. These lands are irrigated from a point of diversion located 2810 feet North and 1270 feet East from the Southwest corner of Section 8, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, 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 3485 feet North and 1510 feet East from the Southwest corner of Section 8, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, 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 2810 feet North and 1270 feet East from the Southwest corner of Section 8, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 40 South, Range 3 West, W.M.

To a point to be located 3485 feet North and 1510 feet East from the Southwest corner of Section 8, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 40 South, Range 3 West, W.M.

for the irrigation of 0.8 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 40 South, Range 3 West, W.M., with a date of priority of July 19, 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, 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 S. and Pearl A. Byrne and recorded at Page 33153, Volume 25, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right 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 Pearl A. Byrne confirming the change in point of diversion.

Dated at Salem, Oregon, this 13th day of July, 1976.

/s/ JAMES E. SEXSON
Director

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Pearl A. Byrne

(Name of applicant)

of 1517 Palmer Cr. Rd., Jacksonville, 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 J. Byrne pump.

4. The point of diversion is located 2810 ft. N. and 1270 ft. E. from the SW

(N. or S.)

(E. or W.)

corner of Section 8 being within the SW 1/4 NW 1/4

(Section or subdivision)

of Section 8 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. | 8 | | | | | | | 0.8 | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |

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? July 19, 1957.

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

(Yes or No)

of permit 25015.

10. Do you hold a water right certificate? Yes. If so, give number of certificate 33153.
(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? Yes and No - John S. and Pearl A. Byrne.
(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 3485 ft. N. and 1510 ft. E. from the SW
(N. or S.) (E. or W.)
corner of Sec. 8 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8 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 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 so I can pump from my own property, as most of main ranch has been sold.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

} ss.

I, Pearl A. Byrne, 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 17th day of June, 19 76.

X Pearl A. Byrne
(Name of applicant)

Subscribed and sworn to before me this 17th day of June, 19 76.

[Notarial Seal]

David L. Hendrix

NOTARY PUBLIC FOR OREGON

My commission expires Nov. 3, 1976

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.

378-3066

June 30, 1976

File Tr-3428
31735

Pearl A. Byrne
1517 Palmer Creek Road
Jacksonville, OR 97530

Dear Ms. Byrne:

Your application for a change in point of diversion of water from the Applegate River has been filed as transfer number 3428. The map, legal description, and fees of \$39.00 were also received.

The application is in satisfactory form and will be considered for approval.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:cc
cc: David C. Hendrix
Encl. Receipt No. 53778 and 53779



WATER RESOURCES DEPARTMENT

RECEIVED

JUN 21 1976

WATER RESOURCES DEPT
SALEM, OREGON

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

June 18, 1976

ROBERT W. STRAUB
GOVERNOR

JAMES E. SEXSON
Director

WATER POLICY REVIEW
BOARD

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Corvallis

CHAPIN D. CLARK
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Eugene

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Portland

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Portland

JAMES HILL
Arch Cape

JEAN FROST
Portland

Mr. James E. Sexson, Director
Water Resources Department
Salem, Oregon 97310

Attention: Mr. Larry Jebousek, Administrator
Water Rights Division

Dear Mr. Jebousek:

I am enclosing a transfer application in the name of Pearl A. Byrne of 1517 Palmer Creek Road, Jacksonville, Oregon 97530, for a change in point of diversion of water from Applegate River, together with her check in the sum of \$39 to cover transfer fees, the necessary map tracing and legal land description.

It will not be necessary to advertise this change.

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 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 (4)

T-3428

40-3W-18
ACCOUNT NUMBER
403W-1200

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
OFFICE OF COUNTY ASSESSOR, JACKSON COUNTY, OREGON

3-1 49-16
CODE NUMBER

| | | | | |
|----------------|---------------|---------------|---------------|--------------|
| SECTION 8 | TOWNSHIP 40 S | RANGE 3W W.M. | MAP NO. 40 3W | AERIAL PHOTO |
| LOT 18 | BLOCK | NO. | ADDITION | CITY |
| TAX LOT NUMBER | NO. | ADDITION | CITY | |

| INDENT EACH NEW COURSE TO THIS LINE | LEGAL DESCRIPTION | DEED RECORD | | | ACRES REMAINING |
|--|---|-------------|--------|---|-----------------|
| | | YEAR | VOLUME | PAGE | |
| Byrne, John & Pearl | All that part of the South Half of the Northwest quarter, and the North Half of the Southwest quarter of Sec. 8, Twp. 40, South Range 3 West of the W.M., in JCO, lying Westerly of the Applegate River and Northerly of the center line of Palmer Creek. | 1945 | 260 | 192 | |
| Less tax lot 403W-1201 | | 1965 | 593 | 219 JV 66-4945 | |
| Byrne, John & Pearl % Lawrence E & Phyllis V Haseltine (C) | ERROR | X | 1945 | 260 192 Being O.R. 70-01507 JV 70-03427 | |
| Byrne, John & Pearl | CORRECTION | X | 1945 | 260 192 JV 71-01206 | |
| Less tax lot 403W-1202 | | | 1945 | Part of 260 192 Being O.R. 70-01507 JV 71-01206 | |

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JUN 2 11976

WATER RESOURCES DEPT
SALEM, OREGON

T-3428