

3221 *Little Butte Creek*
James C. Beagle

James C. Beagle

519 Reese Creek Rd, Eagle Point, Or 97524

3221

STATUS OF APPLICATION

Change in place of use
Date filed 5-5-75
Date of hearing _____
Place of hearing _____
Date of order 10-11-76 Vol. 28, page 31
Date for application of water 10-1-77
Proof mailed APR 25 1980
Proof received 6-3-80
Certificate issued MAR 23 1987 Vol. 51, page 55897
Survey 3/77

DESCRIPTION OF WATER RIGHT

Name of stream Little Butte Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 5⁰
Name of ditch Little Butte Irrigation Co Ditch
Date of priority 1883
In name of Little Butte Irrigation Company
Little Butte Creek Adjudication, Vol. 14, page 520
Orig. Cert. 17196
App. No. _____ Per. No. _____ Cert. No. 42285
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-5-75</u>	<u>25.00</u>	<u>46676</u>
TOTAL . . .		
<u>5-10-76</u>	<u>\$</u> Cert. Fee	<u>54944</u>

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

REMARKS

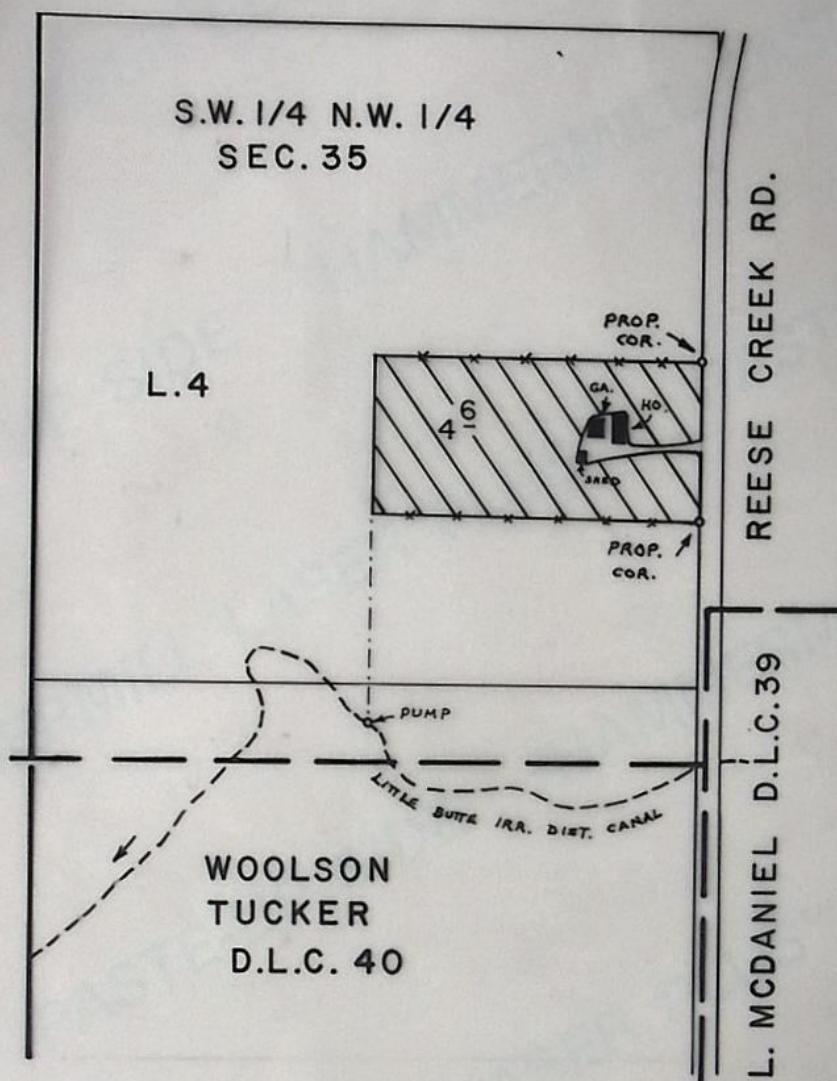
See also T# 3210 & T# 3224 & 3950 & T-4138
Issue Cert of W/R F.P. on T-4138.

W.R.I.S.

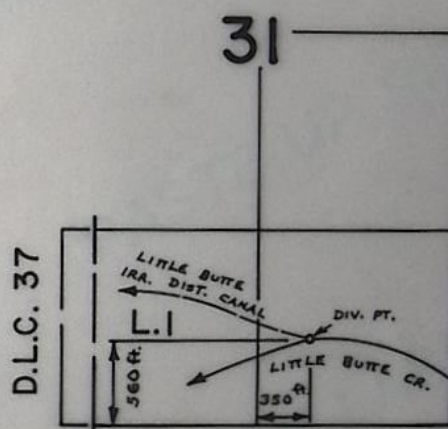
Assembled 6-9-85 by JB
Entered _____ by _____
Verified _____ by _____

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>
CHECKED TO RECORDS:			
<u>✓</u>	Twp. & Rge.	<u>WH</u>	<u>✓</u>
<u>✓</u>	Decree-vault	<u>WH</u>	<u>✓</u>
<u>✓</u>	Decree-safe	<u>WH</u>	<u>✓</u>
<u>✓</u>	Cert. of W/R	<u>WH</u>	<u>✓</u>
<u>✓</u>	Per. Folder	<u>✓</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. 35 S., R. 1 W., W.M.



T. 35 S., R. 1 E., W.M.



SCALE : 1" = 400 FT.

FINAL PROOF SURVEY
UNDER

Transfer No. 3221

Application No. Permit No.

IN NAME OF

DICK L. & CAROLYN CHAMBERLAIN / JAMES C. BEAGLE

Surveyed OCT. 22 1979 by B. SUND

D.H.M.
PHOTO : 81 (E.P.I.D.)

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF DICK L. AND CAROLYN R. CHAMBERLAIN
FOR THE APPROVAL OF A CHANGE IN PLACE
OF USE OF WATER FROM LITTLE BUTTE
CREEK

ORDER APPROVING
TRANSFER NO. 3221

On May 5, 1975, Dick L. and Carolyn R. Chamberlain filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Little Butte Irrigation Company and recorded at Page 42285, Volume 34, State Record of Water Right Certificates, confirms a right to the use of water from Little Butte Creek for the irrigation of, among other lands, 5.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 35 South, Range 1 West, W.M., with a date of priority of 1883. These lands are irrigated by means of the Little Butte Irrigation Company ditch from a point of diversion located 560 feet North and 2900 feet East from the Southwest corner of Section 31, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 35 South, Range 1 East, W.M.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 5.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 35 South, Range 1 West, W.M.

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

application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water as described herein, without loss of priority, is approved.

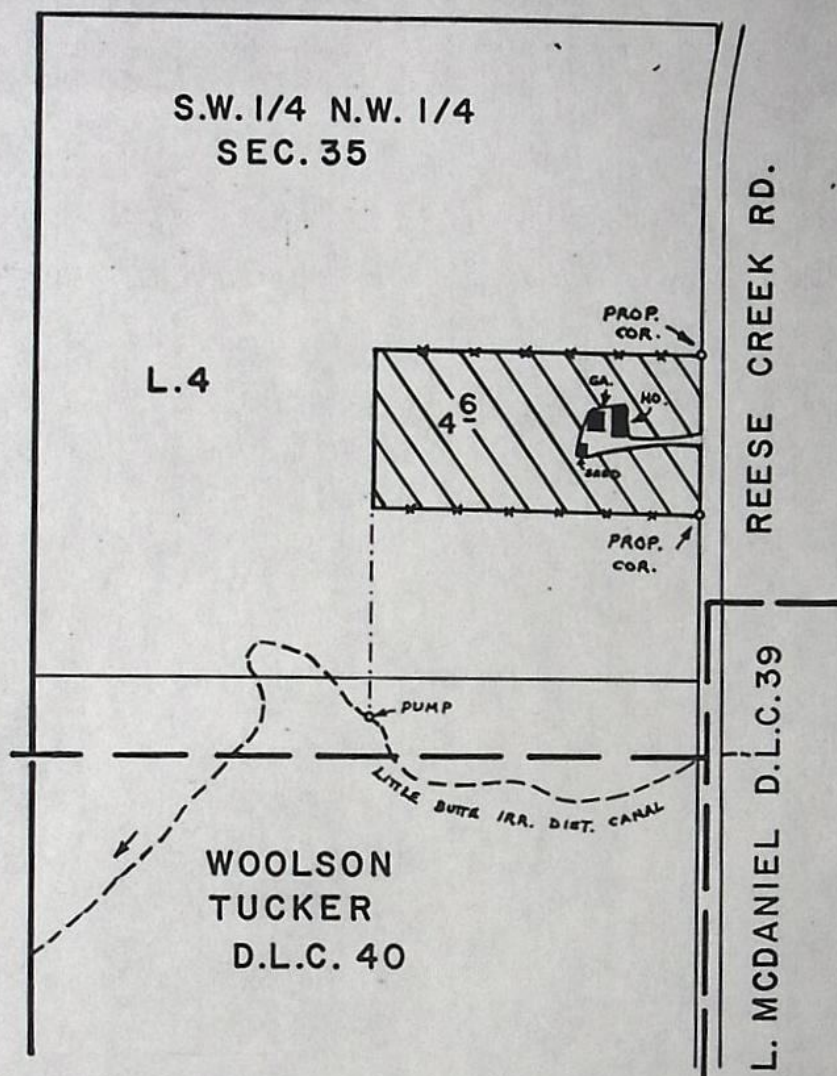
It is FURTHER ORDERED that the water so transferred shall be applied to beneficial use on or before October 1, 1977.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of complete application of water to beneficial use under the provisions of this order and under the provisions of the orders entered this date approving water right transfers Nos. 3210 and 3224, the certificate of water right heretofore issued to Little Butte Irrigation Company and recorded at Page 42285, Volume 34, State Record of Water Right Certificates, be canceled, and in lieu thereof a new certificate be issued covering the water right as modified in accord with said provisions.

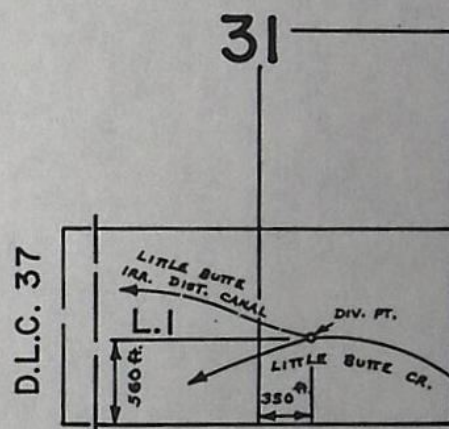
Dated at Salem, Oregon, this 11th day of October, 1976.

/s/ JAMES E. SEXSON
Director

T. 35 S., R. 1 W., W. M.



T. 35 S., R. 1 E., W. M.



SCALE : 1" = 400 FT.

FINAL PROOF SURVEY UNDER

Transfer No. 3221

Application No. _____ Permit No. _____

IN NAME OF

DICK L. & CAROLYN CHAMBERLAIN / JAMES C. BEAGLE

Surveyed OCT. 22 1979 by B. SUND

D.H.M.
PHOTO : 81 (E.P.I.D.)

WATER RIGHT NO. ~~1002041381~~ ³²²¹¹ PERMIT NO. 014520 CERTIF. NO.
 ORIG. NO. C000171951 PREV. NO. ~~100039501~~ SUPER. NO.
 C000422851

NAME: DICK L. CHAMBERLAIN
 ADDRESS: 2970 BROWNSBORO HWY
 CITY/STATE/ZIP/COUNTY: EAGLE POINT, OR 97524 15

STREAM-ID 15 1680 2060

RIV. MI.

WM. DIST. 13 W.R. TYPE SC STATUS V

CANCEL YEAR----	CONSTR. COMPLT-->	02 22 1977	YR. LAST USED----->	---	NEXT ACTION DUE-->	---
PRIORITY----->	PUT TO USE----->	02 22 1977	LAST TRANS. DATE-->	---	LAST TRANS. TYPE-->	---
APPLICATION-->	SURVEYED----->	10 22 1979	EXAM. FEE----->	15.00	RECORDING FEE----->	10.00
PERMIT ISSUE-->	CONCURRENCE----->	06 03 1980	CYCLE STATUS----->	---	REPORTED FLAG----->	---
CONSTR. STRT.-->	CERTIFIED----->	---	CORRES. INIT.----->	---	CORRES. DATE----->	---

POINT-OF-DIVERSION DATA:
 TWP/SP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS

S OR P

3505 010E 31 D C 15 1680 2060

0229
 0.090

V P

** REMARKS; ----->
 ** DATED-->
 ** POR: LITTLE BUTTE COMPANY CANAL, 560' N
 ** 2990' E PM SW COR S 31
 ** CHANGES FOR PART OF C-42285.
 ** SEE F000041382. PRIOR XFRS
 ** I-3210, 3224, 3229, 3950, 4138.
 **
 **

PLACE-OF-USE DATA:

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE %	CNSMTV	ACRES	STATUS	S OR P
3505	010E	06	B	B	15	1R	100	4.50	V P
		35	B	C			5.00		

2,0071 Pm 1988

W.R.I.S.	
Assembled	6-4-85 by SAH
Entered	by
Verified	by

RECEIVED

JUN 31980

Permit No. _____

WATER RESOURCES DEPT

SALEM, OREGON

Transfer No. 3221

County Jackson

PROOF OF APPROPRIATION OF WATER

1. Name James C. Beagle 2. Address 519 Reese Creek Road
Eagle Point, OR 97524
3. Source of Supply Little Butte Creek
Tributary of Rogue River
4. Amount of water 0.09 c.f.s. 5. Priority date 1883
6. Use Irrigation of 4.6 acres
7. Location of point of diversion SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, T. 35 S., R. 1 E., W.M.;
560 feet North and 350 feet East from S $\frac{1}{2}$ Corner, Section 31

8. The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

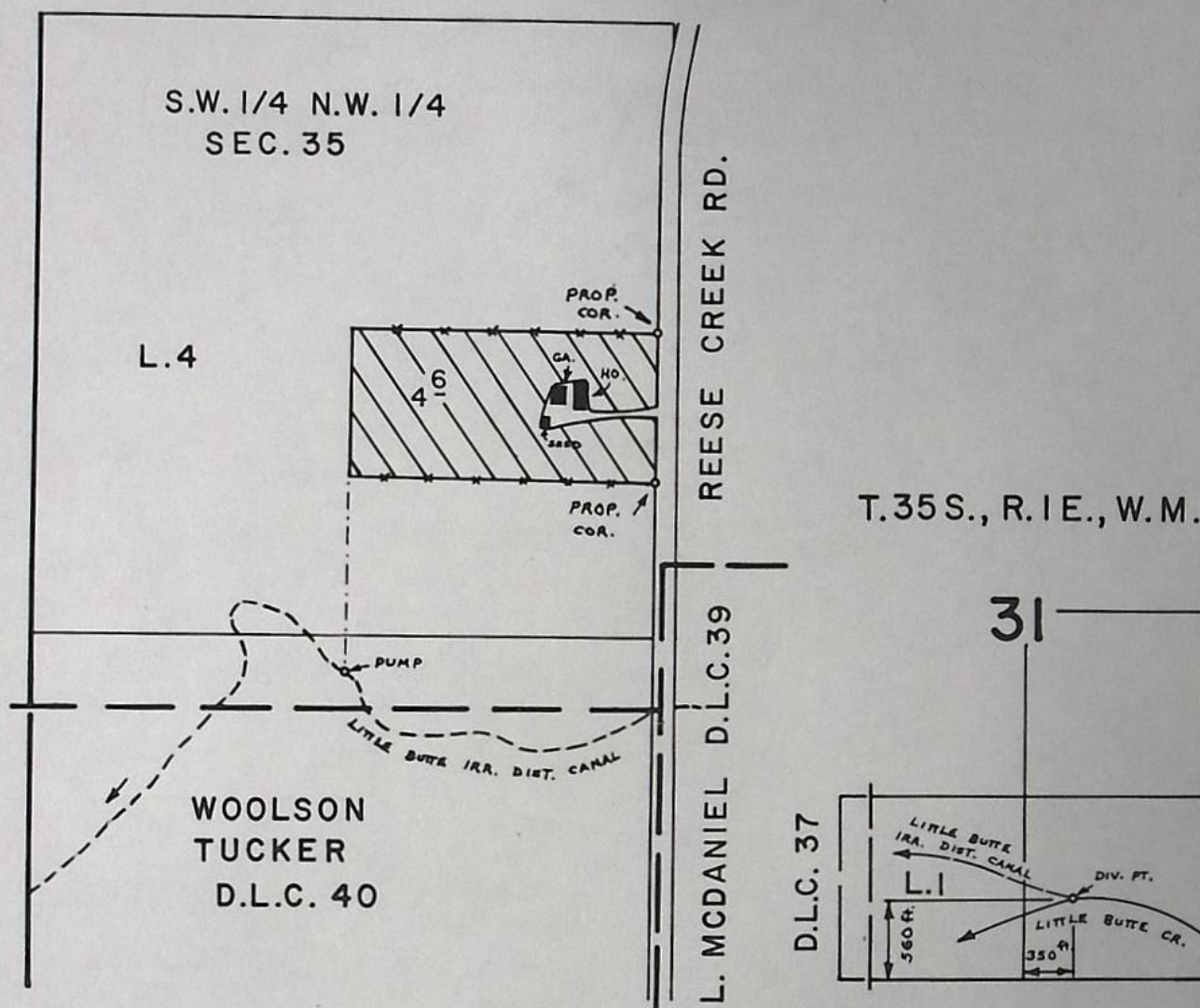
4.6 acres Lot 4 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 35
T. 35 S., R. 1 W., W. M.

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of place of use approved by the order of the Water Resources Director entered October 11, 1976; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 1 day of June 19 80.

James C Beagle
Legal Owner of the above described lands

T. 35 S., R. 1 W., W.M.



SCALE : 1" = 400 FT.

FINAL PROOF SURVEY
UNDER

Transfer No. 3221

Application No. _____ Permit No. _____

IN NAME OF

DICK L. & CAROLYN CHAMBERLAIN / JAMES C. BEAGLE

Surveyed OCT. 22 1979 by B. SUND

D.H.M.
PHOTO : 81 (E.P.I.D.)

ND

BLS 10-22-79
Photo: 81 (EPID)

SEE OTHER AD

TL 308

✓
An. Judith E. X
— Court

826-3635

773 Brownsboro Hwy 8826-3131
week / Trk of

Priority Date 1883

of 4⁶ AC.

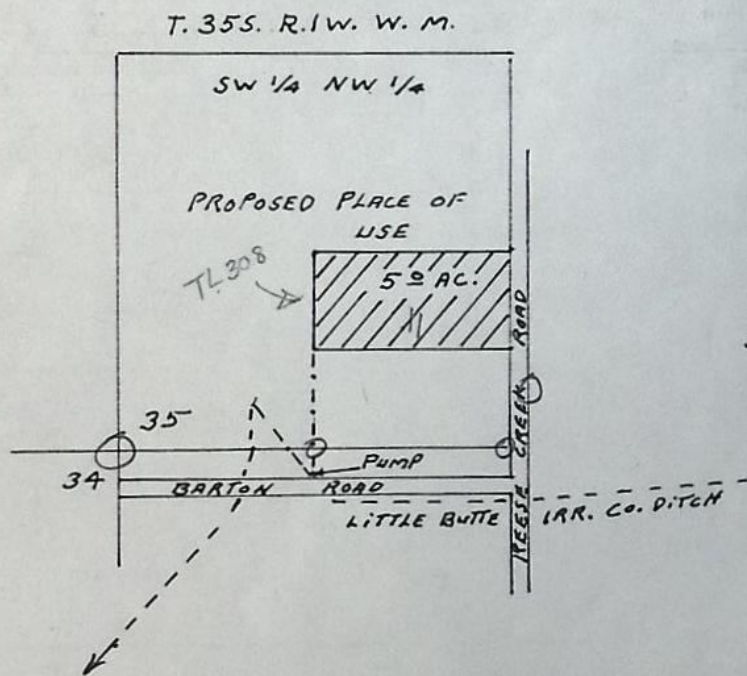
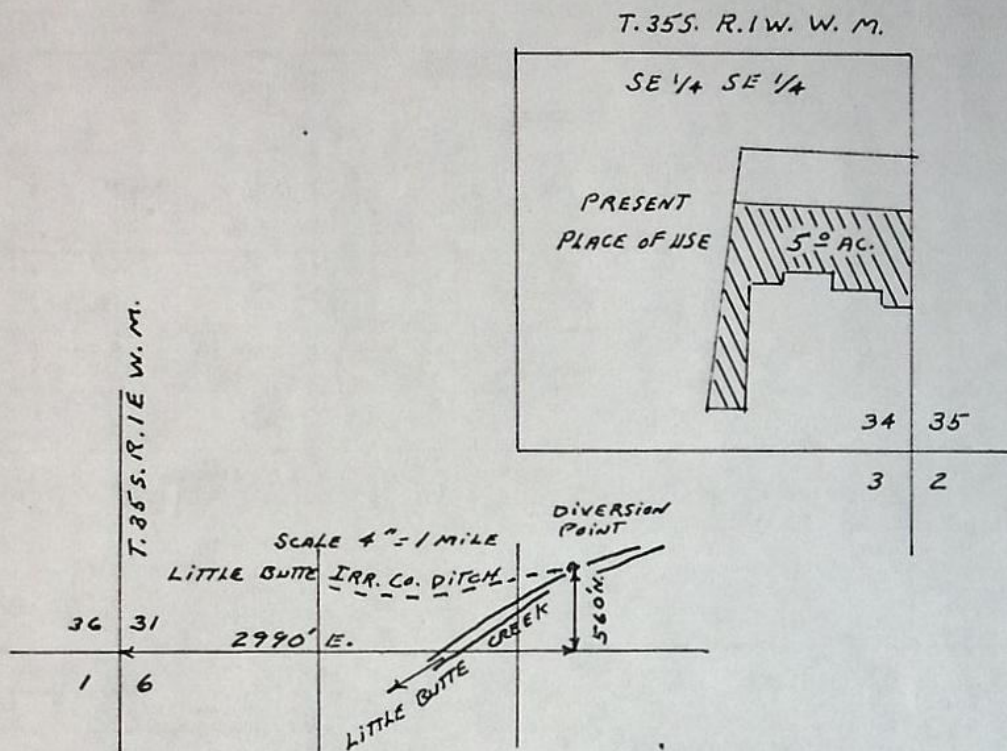
Sec. 31, S.W.⁴ S.E.⁷, SEC. 31, T. 35S., R.E., W.M.

DATE FOR APPLICATION OF WATER: 10/1/77

5.0 acres ⁴⁶

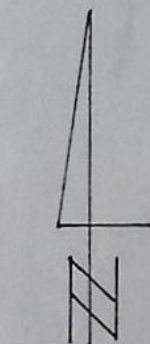
~~4.27~~
~~7.2493~~
~~6.8187~~
~~7.3725~~

See map



MAP TO ACCOMPANY APPLICATION OF
DICK L. AND CAROLYN R. CHAMBERLAIN
FOR CHANGE IN PLACE OF USE.

SCALE 8" = 1 MILE



5-1-75

T-3221

FINAL PROOF ON
SURFACE WATER IRRIGATION

APPLICATION No. TR-3221 PERMIT No.

INFO: NAMES: Dick L. & Carolyn R. Chamberlain (James C. & Judith E. Beagle)

ADDRESS: 519 Reese Cr. Rd.
Eagle Point, OR. 97524

TALKED TO: James Beagle

SOURCES: Little Butte Creek (Direct)

SYSTEM: Pump / Flood

PUMP: MAKE: Seals

TYPE: Cent.

SUCTION SIZE: 1 1/2"

DISCHARGE SIZE: 2"

MODEL No.:

RATING:

MOTOR: MAKE: Seals

TYPE: Elec

HP: 2

RPM: 3450

CONNECTED DIRECT OR PULLEYS: DIRECT

SPRINKLER SYSTEM:

MAINLINE: No. FEET: 1060 ft.

SIZE: 2"

TYPE: P.V.C.

LATERALS: No. FEET:

SIZE:

TYPE:

SPRINKLERS: No. HEADS:

MAKE:

MODEL #:

NOZZLE SIZES:

MAXIMUM:

IN OPERATION: MEAN PRESSURE:

No. OF HEADS:

LIFT: SUCTION: 2 ft.

DISCHARGE: 10 ft.

USE: Pasture, Hay

DIVERSION: DIRECT: Direct

STRUCTURE:

TIE: MONUMENTS: NE. & SE. Prop. Cords.

SURVEYED ON: Photo: 81 (EPID)

Bruce R. Lund

FIELD ENGINEER

DATE: 10/22/79

NOTE:

TOWNSHIP 36 S RANGE 1 W W. M. SECTION 3

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 3221

Dick L. and Carolyn R. Chamberlain
I, by James C. Beagle hereby certify that

by ~~me~~ October, 19 76, the water has been applied to
the lands to which the water right was transferred by an order of the
Water Resources Director dated ¹⁹⁷⁶ October 11, /, approving an appli-
cation for a change in place of use of water from Little Butte Creek,
Certificate 42285, Priority 1883.

Feb. 18, 1977
Date

X James C. Beagle
Signature

RECEIVED

FEB 22 1977

WATER RESOURCES DEPT
SALEM, OREGON

EDWARD A. MCGINTY *Professional Land Surveyor*

P. O. BOX 1531
MEDFORD, OREGON 97501
PHONE 772-5259

Dick Chamberlain
April 8, 1973
73-13

Proposed Annex to City of Eagle Point

Commencing at the point of beginning being the Northeast corner of Lot 5 Block 4 of the Butte Crest Subdivision, City of Eagle Point, Jackson County, Oregon; thence North $0^{\circ} 02'$ West 517 feet; thence North $88^{\circ} 20' 20''$ West 560.09 feet; thence South $8^{\circ} 01' 25''$ West 888.78 feet to the Northwest corner of Lot 1, Block 2 of said subdivision; thence along said subdivision as follows: North $89^{\circ} 58'$ East 124.41 feet, North $0^{\circ} 02'$ West 400 feet, North $89^{\circ} 58'$ East 110.00 feet, North $0^{\circ} 02'$ West 26.45 feet, North $89^{\circ} 58'$ East 170 feet, South $0^{\circ} 02'$ East 40.00 feet, North $89^{\circ} 58'$ East 170.00 feet, South $0^{\circ} 02'$ East 40.0 feet, North $89^{\circ} 58'$ East 110 feet to the point of beginning.

CONTAINS 7.40 acres more or less.

RECEIVED

MAY 5 1975

STATE ENGINEER
SALEM, OREGON

REGISTERED
PROFESSIONAL
AND SURVEYOR

Edward A. McGinty

OREGON
JULY 10, 1953
EDWARD A. MCGINTY
301

T-3221

RECEIVED

T-3221

MAY 5 1975
STATE ENGINEER
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Dick L. and Carolyn R. Chamberlain
(Name of applicant)
c/o James C. Beagle
of 519 Reese Creek Road, Eagle Point, County of Jackson
(Postoffice)

State of Oregon 97524, do hereby make application for change in place of use.

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

- The source of present water right is Little Butte Creek
(Name of stream)
- The use to which the water is applied is irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)
- The name of the ditch, canal or pipe line is Little Butte Irrigation Co. Ditch
- The point of diversion is located 560 ft. N. and 2990 ft. E. from the SW
(N. or S.) (E. or W.)
corner of Section 31 being within the SW 1/4 SE 1/4
(Section or subdivision)
of Section 31 Tp. 35 S. R. 1 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 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
<u>35 S</u>	<u>1 W</u>	<u>34</u>																<u>5.0</u> <i>Part</i>

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)

- Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)
- Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes
- What is the date of priority of your water right? 1883
- Was your water right acquired by State Engineer's Permit? No If so, give number
(Yes or No)
of permit None

10. Do you hold a water right certificate? Yes If so, give number of certificate 36604
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?
Yes If so, give title of proceedings Little Butte Decree
(Yes or No)

12. Is the water right recorded in your name? No, Little Butte Irrigation Company
(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 $\frac{1}{4}$
35 S.	1 W.	35							5.0									

(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 _____ ft. _____ and _____ ft. _____ from the _____
(N. or S.) (E. or W.)
corner of _____ being within the _____ of Section _____ Tp. _____ R. _____ W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of _____ 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? _____

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? _____

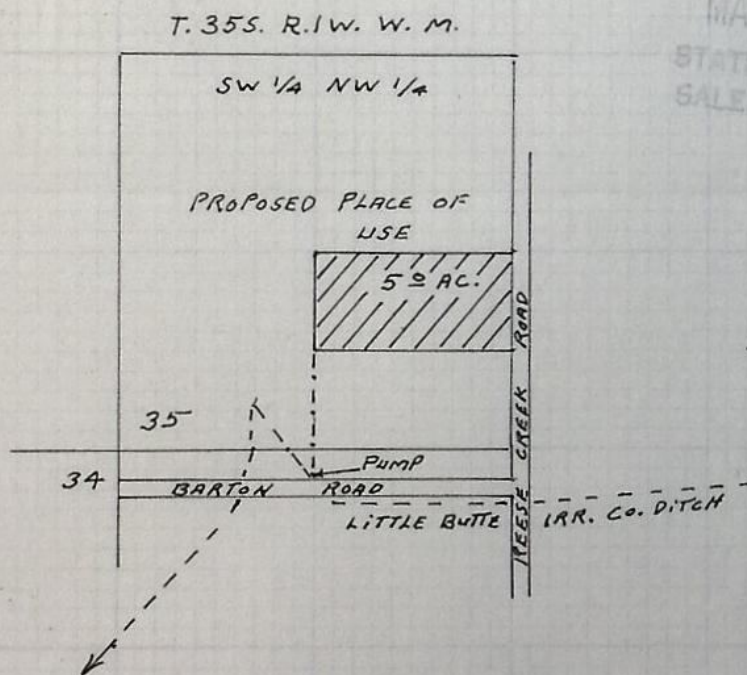
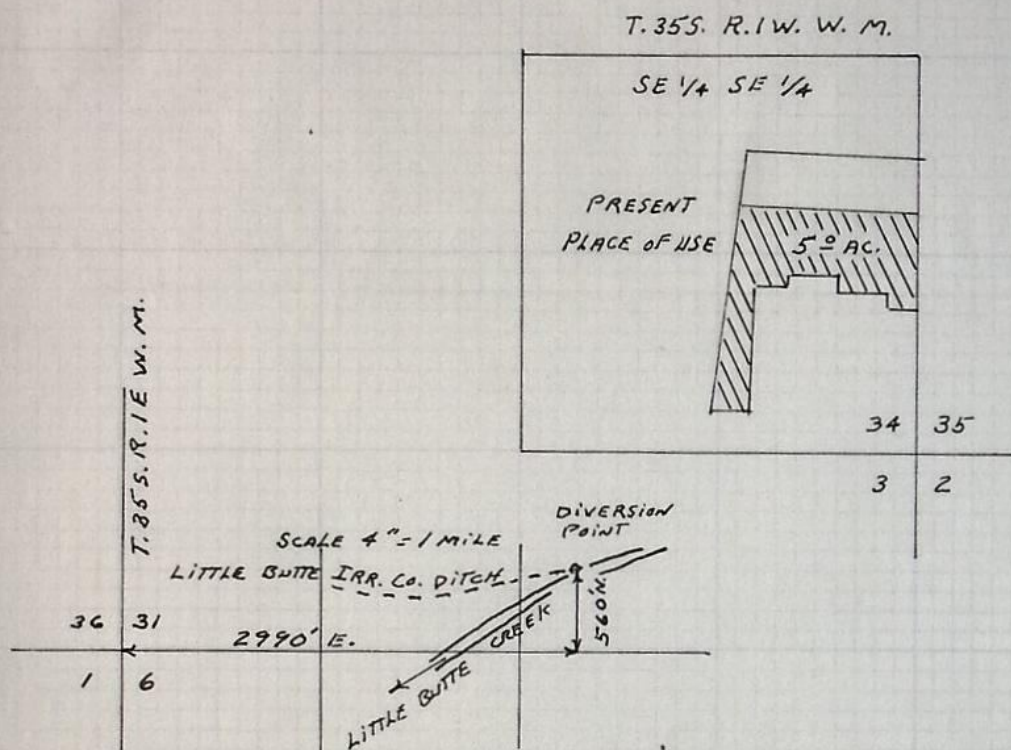
NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

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:

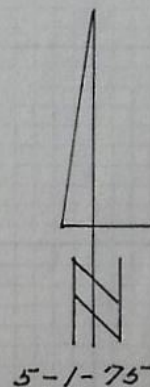
NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are present owner no longer wishes to irrigate this property as the lands are to be subdivided.



MAP TO ACCOMPANY APPLICATION OF
DICK L. AND CAROLYN R. CHAMBERLAIN
FOR CHANGE IN PLACE OF USE.

RECEIVED
MAY 5 1975
STATE ENGINEER
SALEM, OREGON



T-3221

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

ss.

I, Dick L. and Carolyn R. Chamberlain, 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 29th day of April, 1975.

Dick L. Chamberlain

Carolyn R. Chamberlain
(Name of applicant)

Subscribed and sworn to before me this 29th day of April, 1975.

[Notarial Seal]

Phyllis Hilman
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.

74-15877

WARRANTY DEED—TENANTS BY ENTIRETY

KNOW ALL MEN BY THESE PRESENTS, That HAROLD R. ZIEGELMEYER and PATRICIA W. ZIEGELMEYER, husband and wife
 hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by JAMES C. BEAGLE and JUDITH E. BEAGLE, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of JACKSON, State of Oregon, described as follows, to-wit:

Lot Eleven (11) of MOUNTAIN VIEW TRACT No. 1 in Jackson County, Oregon, according to the official plat thereof, now of record.

SUBJECT TO: That part lying within public roads and dedicated streets and alleys.

Jackson County, Oregon

Recorded

OFFICIAL RECORDS

4/10/DE35 1974 P.31

HARRY CHILMAN

CLERK and RECORDER

By Billy Thompson Deputy

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as stated above

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 5,300.00

However, the actual consideration consists of or includes other property or value given or promised which is the full consideration (indicate which) if the grantor is to be bound by the instrument, the grantor shall be bound by the instrument.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 3rd day of December, 1974; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation, attach corporate seal)

Harold R. Ziegelmeyer
 Harold R. Ziegelmeyer

Patricia W. Ziegelmeyer
 Patricia W. Ziegelmeyer

STATE OF OREGON, County of JACKSON

19

Personally appeared

and

each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

STATE OF OREGON,

County of JACKSON

December 3rd, 1974

Personally appeared the above named
 Harold R. Ziegelmeyer and
 Patricia W. Ziegelmeyer

and acknowledged the foregoing instrument to be their voluntary act and deed.

(OFFICIAL SEAL)
Billy Thompson
 Notary Public for Oregon

My commission expires: 1-27-78

Harold R. Ziegelmeyer
 Patricia W. Ziegelmeyer

GRANTOR'S NAME AND ADDRESS

James C. Beagle
 Judith E. Beagle

GRANTEE'S NAME AND ADDRESS

After recording return to:

NAME, ADDRESS, ZIP

Send a change in requested and the statements shall be sent to the following address:

Beagle as above
 421 Stevens Road
 Eagle Point, Oregon 97524

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of

I certify that the within instrument was received for record on the day of

at o'clock M., and recorded in book on page or as

filed number.

Record of Deeds of said county.

In witness my hand and seal of County attested.

Recording Officer

Deputy

RECEIVED
 MAY 5 1975
 STATE ENGINEER
 SALEM, OREGON