

3224

3224 Dick L. + Carolyn R.
Chamberlain
C/O Chester and Nancy Benson

STATUS OF APPLICATION

Change in place of use
 Date filed 5-12-75
 Date of hearing _____
 Place of hearing _____
 Date of order 10-11-76 Vol. 28, page 33
 Date for application of water 10-1-77
 Proof mailed N/A
 Proof received _____
 Certificate issued MAR 23 1987 Vol. 51, page 55897

to survey 4/78

DESCRIPTION OF WATER RIGHT

Name of stream Little Butte Creek
 Trib. of _____ County of Jackson
 Use irrigation
 Quantity of water _____ No. of acres 2 1/4
 Name of ditch Little Butte Irrigation Co. ditch
 Date of priority 1883
 In name of Little Butte Irrigation Company
Little Butte Creek Adjudication, Vol. 17, 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>5-12-75</u>	<u>25.00</u>	<u>46783</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See also T#3210 & T#3221 + 3950, T-4138

OK for Certificate when other transfers completed

Sent back to Medford 11-4-80 Conflict E.P.I.D. rec'd 2-23-81 from medford fed ok for issuance of cert back

Issue Certificate after F.P. on T-4138

W.R.I.S.

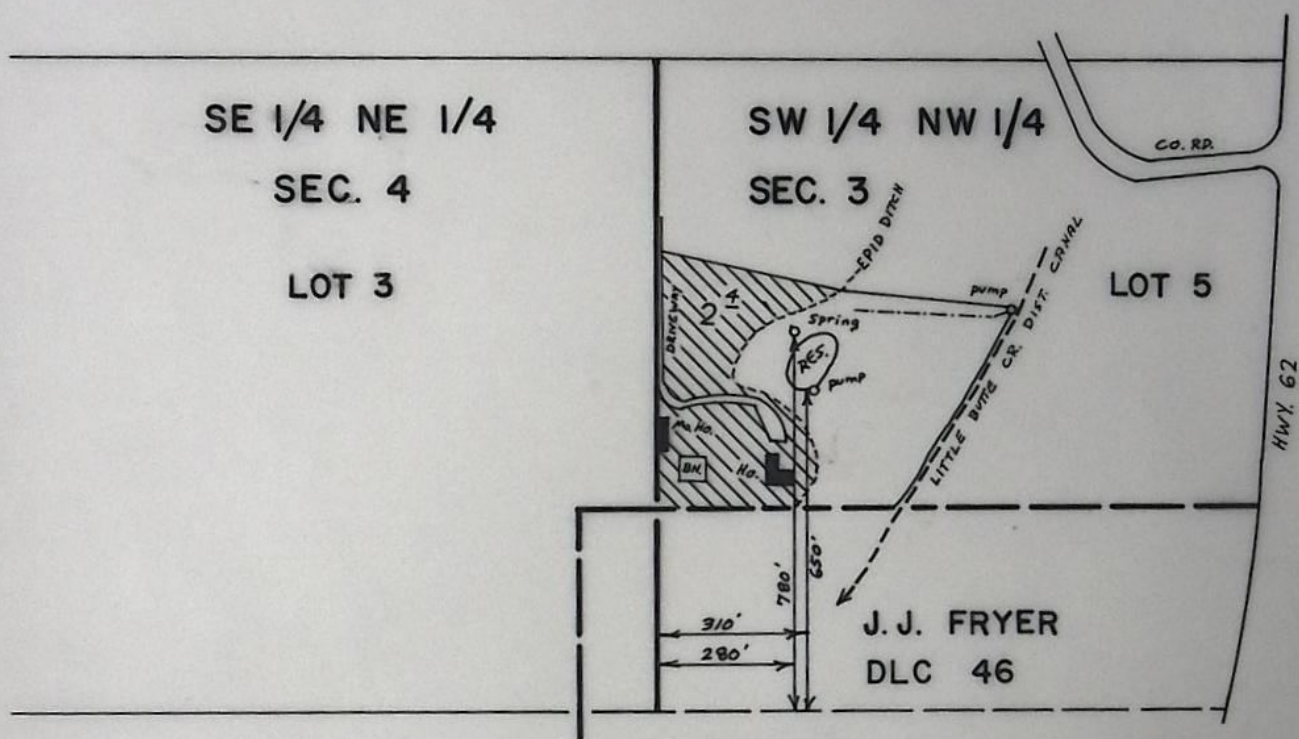
Assembled 6-4-85 by SM

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:		Entered	Checked
<u>WH</u>	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WH</u>	Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WH</u>	Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-vault	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-sale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Per. Folder	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Chaindex	<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. 36S., R. 1W., W.M.



T. 35 S., R. 1 E.,
WM.

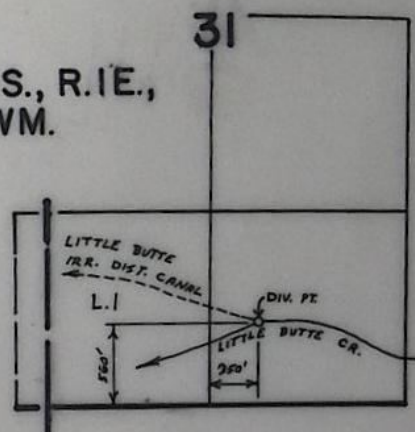
FINAL PROOF SURVEY UNDER

Transfer no. 3224

Application No. Permit No.
IN NAME OF

CHESTER & NANCY HENSON

Surveyed Aug. 24, 1978, by B. R. SUND



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. 3224

On May 12, 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, 2.4 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 2990 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 2.4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement 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 3221, 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

EPID PHOTOCS-
RS-12-10-80

Transfer No. 3224

c/o Chester & Nancy Henson

1. Name Dick & Carolyn Chamberlain Address 315 Linn Rd, Eagle Point, 97524
2. Source of Supply Little Butte Creek, Trib. of _____
3. Amount of Water 0.03 c.f.s. Priority Date 1883
4. Use irrigation of 2 \pm AC.
5. Proposed Point of Diversion DIV. PT. LOC. - 560' N. & 350' E.
FROM S. $\frac{1}{4}$ COR., SEC. 31. S.W. $\frac{1}{4}$ S.E. $\frac{1}{4}$, SEC. 31, T. 35 S.,
R. 1 E., W.M.
6. Place of Use _____ C date: 10-1-77

[illegible]

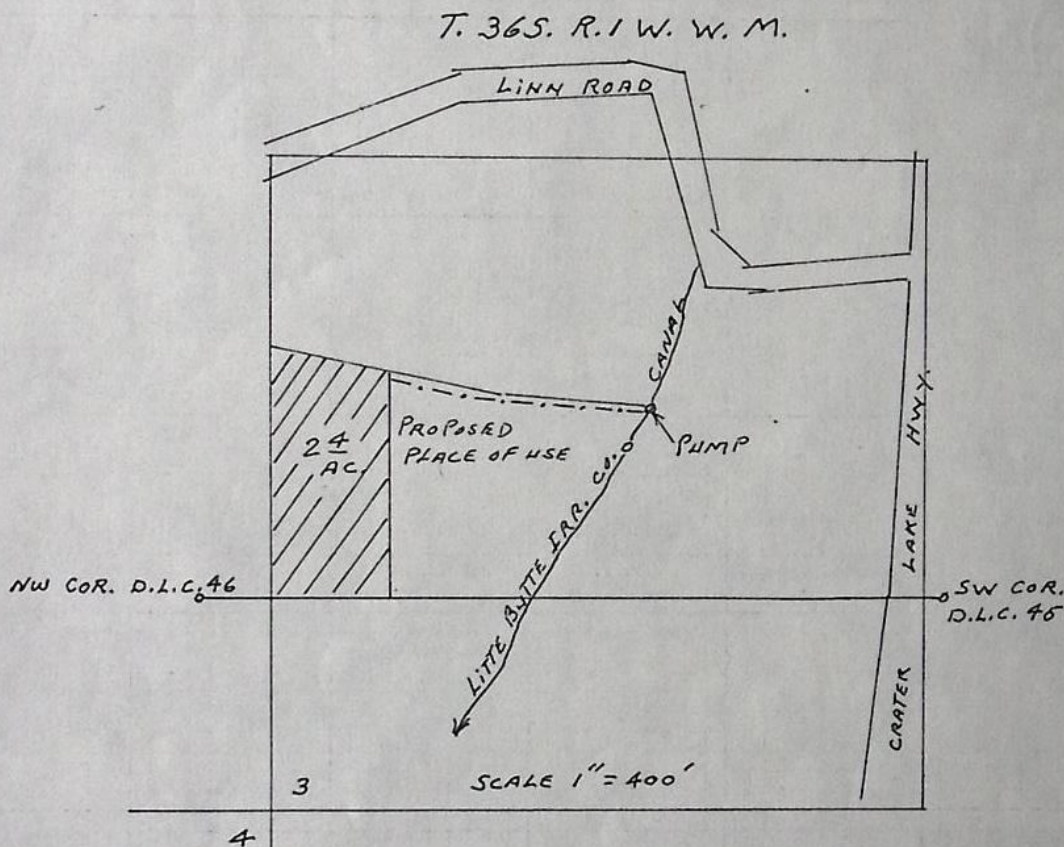
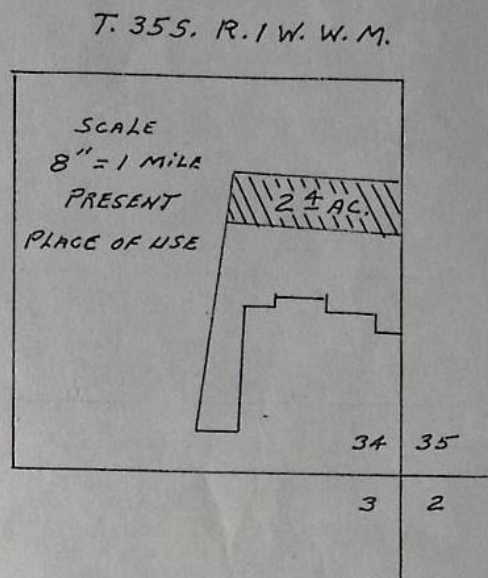
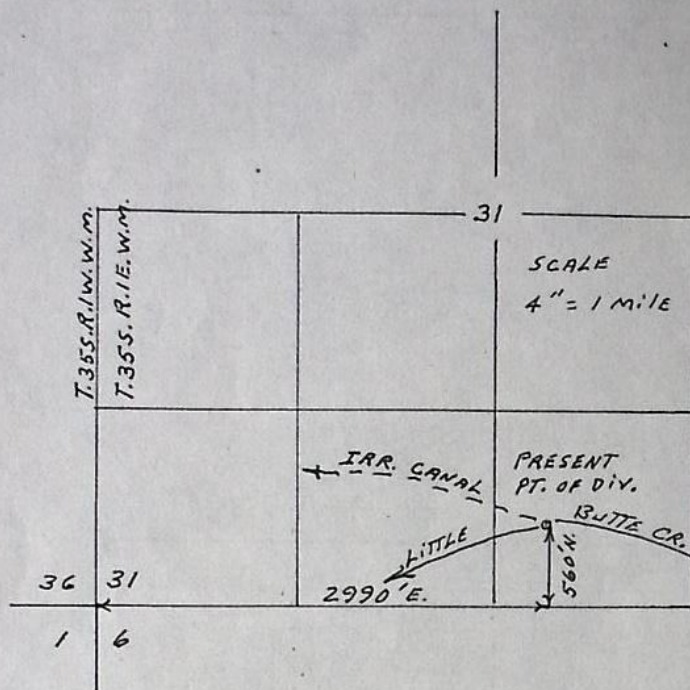
~~as long as we can not
cooperate with existing
C.B.D. and with the 21st ac~~

Info: See Henson 48991 36678 & BAKER Tr. 3210

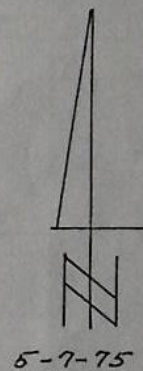
TIE: PTS-1978-14-C, § BAX-3AA-6

Bruce R. Sund F.E.
B-2478

$$\frac{21}{80} = 0.03 \text{ c.f.s.}$$

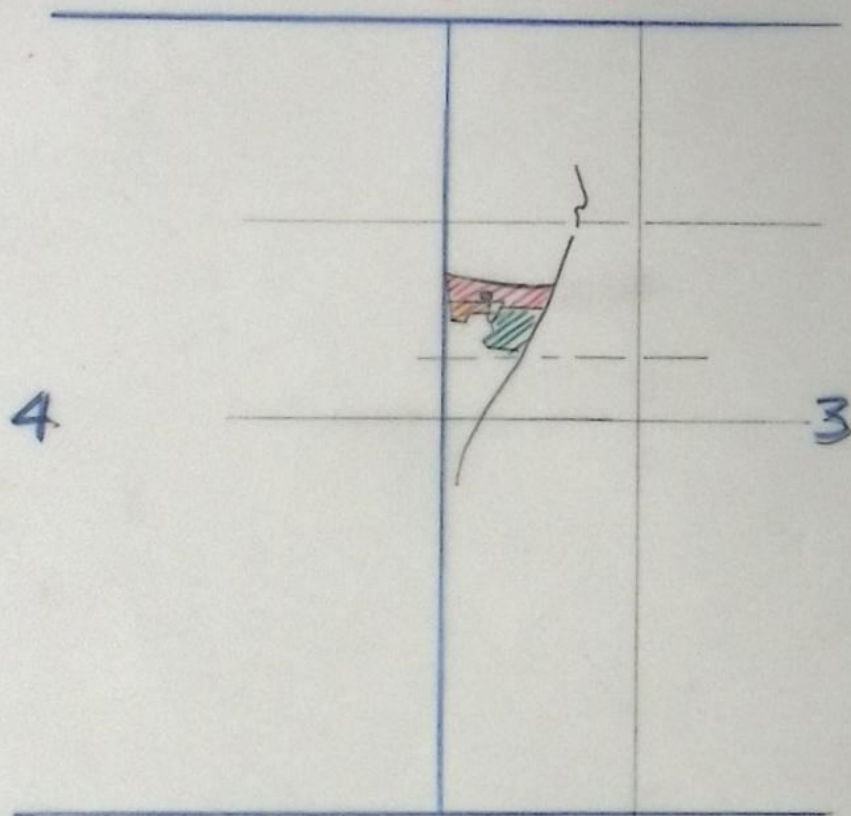


MAP TO ACCOMPANY APPLICATION OF
DICK L. AND CAROLYN R. CHAMBERLAIN
FOR CHANGE IN PLACE OF USE TO THE
HENSON PROPERTY



T-3224

T36S., R.1W., W.M.



TR NO 3224
PRIMARY
SUPPL.



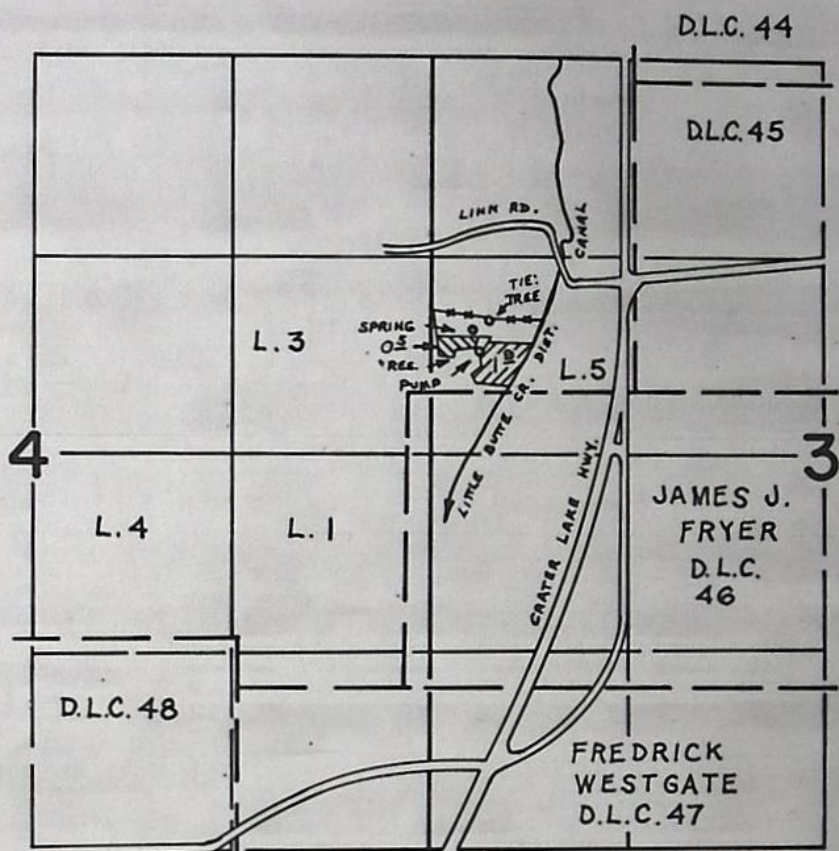
R-48990

48991

CHESTER HENSON

AUG 24 1978

T.36S., R.1W., W.M.



SPRING Loc. - 820' N. & 270' E.; RES. - 680' N. & 320' E., BOTH FROM W. 1/4 COR. SEC. 3.

PRIMARY SUPPL.

FINAL PROOF SURVEY UNDER

R-48990 R-5944
Application No. 48991 Permit No. 36678
IN NAME OF

CHESTER HENSON

Surveyed AUG. 24 1978 by B. SUND

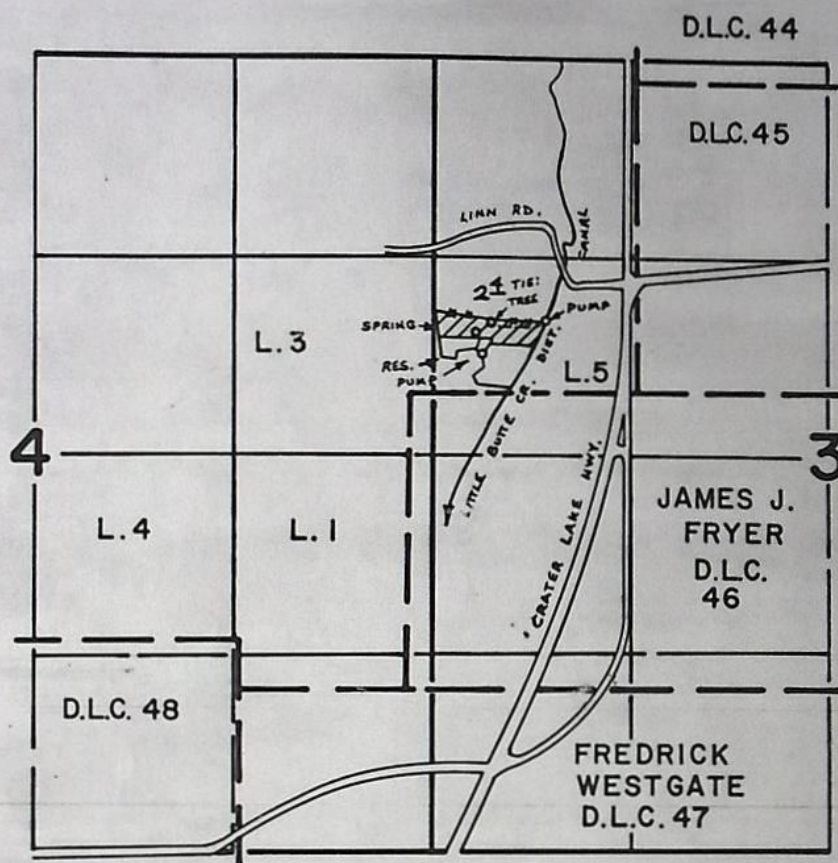
D.H.M.

P.T.S. - 1978-14-C
& BAX-3AA-6

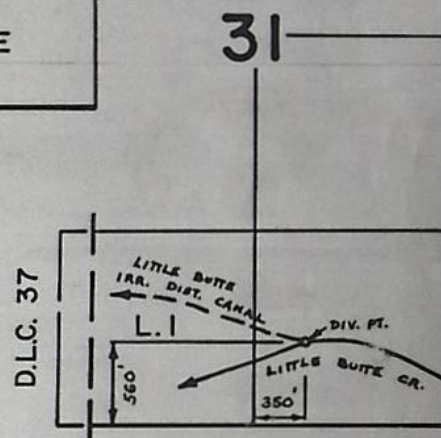
Do not issue until EPID completed

no cert

T.36 S., R.1 W., W.M.



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



FINAL PROOF SURVEY UNDER

Transfer No. 3224

Application No. Permit No. IN NAME OF

CHESTER & NANCY HENSON

Surveyed AUG. 24 1978 by B. SUND

D.H.M.

P.T.S.-1978-14-C

& BAX-3AA-6

T.36 S., R.1 W., W.M.

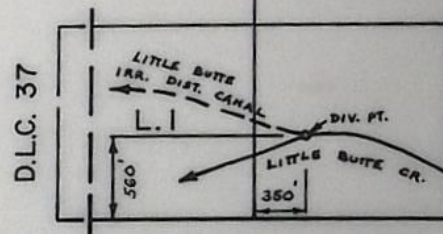


270 x 40 = 10,800
0 24

50 x 50 = 2500
70 x 70 = 4900
14 x 70 = 980
4380 = 0 24

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

31



FINAL PROOF SURVEY
UNDER

Transfer No. 3224
Application No. _____ Permit No. _____
IN NAME OF

CHESTER & NANCY HENSON

Surveyed AUG. 24 1978, by B. SUND

D.H.M.
P.T.S.-1978-14-C
& BAX-3AA-6

VOID
DRAFT OFF OF
EPID PHOTO (65)

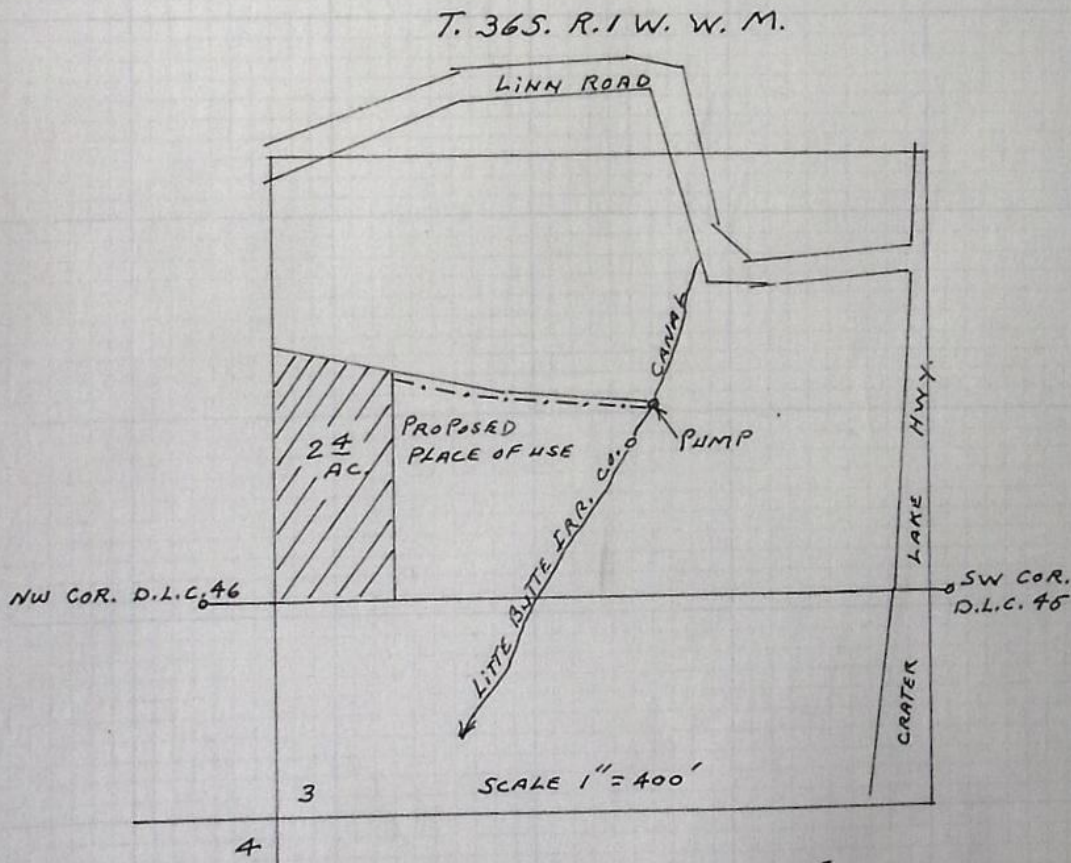
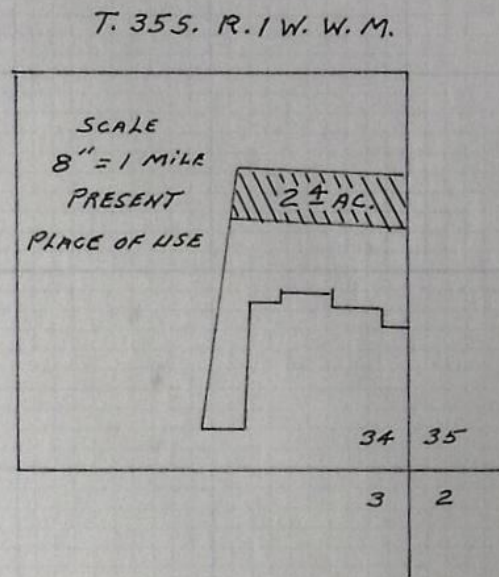
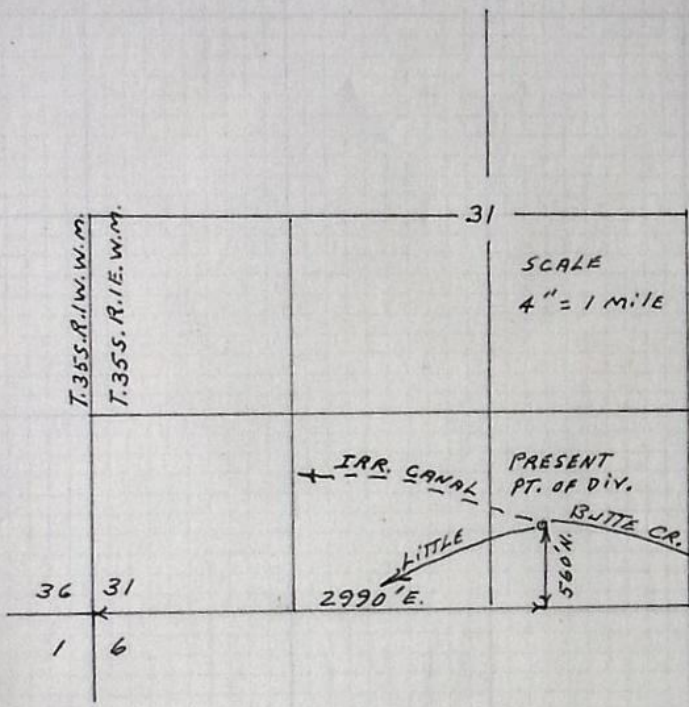
EPID = 3
42 → Spring → Suppl. to trans 2
Res.
Suppl. - total
EPID.

4 1/2
3 1/4
3 1/4

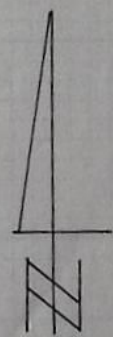
2 1/4
2 1/4
4

1 1/2
0 1/4
2

4 1/2
2 1/4
2 1/4
6 1/4
0 1/2



RECEIVED
MAY 12 1975
STATE ENGINEER
SALEM, OREGON



5-7-75

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

T-3224

RECEIVED

T-3224

MAY 12 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 Chester and Nancy Henson
of 315 Linn 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)

1. The source of present water right is Little Butte 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 Little Butte Irrigation Co. Ditch.
4. 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
35 S	1 W	34																2.4

part

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? 1883
9. 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 42285
(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 $\frac{1}{4}$
36 S.	1 W.	3							2.4									

(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 _____ 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 owner no longer wishes to irrigate this property.

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° 02' West 517 feet; thence North 88° 20' 20" West 560.09 feet; thence South 8° 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° 58' East 124.41 feet, North 0° 02' West 400 feet, North 89° 58' East 110.00 feet, North 0° 02' West 26.45 feet, North 89° 58' East 170 feet, South 0° 02' East 40.00 feet, North 89° 58' East 170.00 feet, South 0° 02' East 40.0 feet, North 89° 58' East 110 feet to the point of beginning.

CONTAINS 7.40 acres more or less.

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MAY 12 1975

STATE ENGINEER
SALEM, OREGON

REGISTERED
PROFESSIONAL
AND SURVEYOR

Edward A. McGinty

OREGON
JULY 10, 1953
EDWARD A. MCGINTY
301

T-3224

CONTRACT OF SALE

This contract made in Triplicate, on this 2nd day of August, 1971, between LESTER H. LARSON and AMANDA L. LARSON, (husband and wife) hereinafter called first party, and CHESTER N. HENSON, SR. and NANCY O. HENSON, (husband and wife) hereinafter called second party.

WITNESSETH:

1. First party agrees to sell and second party agrees to purchase the following described real property in Jackson County, Oregon, to-wit:

Beginning at the Southwest corner of Donation Land Claim #45, in Township 36 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, and running thence North $89^{\circ} 46'$ West along the North boundary of Donation Land Claim #46, 1355.0 feet; thence North, 882.0 feet; thence North $68^{\circ} 30'$ East, 402.6 feet along the Southerly side of the County Road; thence North $84^{\circ} 00'$ East, 300 feet along the Southerly side of County Road; thence South $28^{\circ} 30'$ East, 476.0 feet; thence North $83^{\circ} 37'$ East along the South side of the County Road, 450 feet, more or less, to the West side line of said Donation Land Claim #45, and thence South along the West side line of Donation Land Claim #45 to the point of beginning. EXCEPTING THEREFROM the following described property: Beginning at a point on the Westerly right of way line of the relocated Crater Lake Highway, said point being 374.80 feet North and 107.87 feet West of the Southwest corner of Donation Land Claim #45, Township 36 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence South $83^{\circ} 47'$ West, 287.99 feet; thence North $74^{\circ} 19'$ West, 211.45 feet; thence North $36^{\circ} 02'$ West, 25.50 feet to the center line of the Little Butte Irrigation Company ditch; thence along said center line North $34^{\circ} 58'$ East, 112.23 feet; thence North $13^{\circ} 34'$ East, 218.63 feet to a point where said ditch center line intersects the Southwesterly line of a County Road, said point also being on the Northerly line of that certain tract of land described in Deed Records, Jackson County, Oregon, Volume 267, Page 325; thence along said line and road South $28^{\circ} 30'$ East, 88.50 feet; thence North $83^{\circ} 37'$ East, 359.96 feet to intersect the Westerly right of way line of the aforementioned Crater Lake Highway; thence along said line on the arc of a spiral curve to the right (the long chord of which bears South $1^{\circ} 21' 50''$ West, 199.00 feet), a distance of 199.00 feet; thence along the arc of 5660.53 foot radius curve right (the long chord of which bears South $2^{\circ} 59'$ West, 114.51 feet), a distance of 114.54 feet to the true point of beginning. ALSO EXCEPTING Commencing at the Northwest corner of Donation Land Claim No. 46, Township 36 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along the North boundary of said claim, South $89^{\circ} 43' 40''$ East 143.36 feet to an intersection with the West boundary of Section 3 of said Township and Range; thence along the West boundary of said Section 3, North $0^{\circ} 03' 20''$ East, 518.46 feet to a $5/8''$ iron pin for the true point of beginning; thence South $79^{\circ} 13' 40''$ East, 463.08 feet; thence North $0^{\circ} 03' 20''$ East, 600.97 feet to the Southerly boundary of Linn Road; thence along said road boundary South $83^{\circ} 11'$ West, 14.94 feet; thence along said road boundary, 181.48 feet along the arc of a curve left (which arc has a radius of 686.20 feet and a long chord of South $75^{\circ} 36' 25''$ West, 180.95 feet); thence along said road boundary South $68^{\circ} 01' 50''$ West, 157.61 feet; thence along said road boundary, 124.57 feet along the arc of a curve right (which arc has a radius of 746.20 feet and a long chord of South $72^{\circ} 48' 50''$ West, 124.43 feet) to the West boundary of said Section 3; thence along said Section boundary, South $0^{\circ} 03' 20''$ West, 371.93 feet to the true point of beginning. AND ALSO EXCEPTING Commencing at the Northwest corner of Donation Land Claim #46, Township 36 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along the North boundary of

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MAY 12 1975

STATE ENGINEER
SALEM, OREGON

T-3224

said Claim, South 89° 43' 40" East, 143.36 feet to an intersection with the West boundary of Section 3 of said Township and Range; thence along the West boundary of said Section 3, North 0° 03' 20" East, 518.46 feet; thence South 79° 13' 40" East, 463.03 feet to a 5/8" iron pin for the true point of beginning; thence North 0° 03' 20" East, 600.97 feet to the Southerly boundary of Linn Road as described in Deed recorded May 14, 1968 as Document No. 68-05063, official records of Jackson County, Oregon; thence along said road boundary, North 83° 11' East, 83.80 feet; thence along said road boundary 323.35 feet on the arc of a curve right (which arc has a radius of 242.84 feet and long chord of South 58° 40' 15" East, 299.99 feet); thence along the Southwesterly boundary of said road, South 20° 31' 30" East, 91.06 feet; thence along the Southwesterly boundary of said road, 70.80 feet along the arc of a curve left (which arc has a radius of 220.99 feet and a long chord of South 29° 42' 10" East 70.50 feet) to an intersection with the centerline of the Little Butte Irrigation Company ditch; thence along the centerline of said ditch to a point that bears South 20° 45' West, 22.30 feet; thence along the centerline of said ditch to a point that bears South 13° 34' West, 218.63 feet; thence along the centerline of said ditch to a point that bears South 34° 58' West, 112.23 feet; thence North 86° 34' 50" West, 283.89 feet to the true point of beginning.

SUBJECT TO:

1. Taxes for the year 1971-72, a lien, not yet payable.
2. Easement, created by instrument, including the terms and provisions thereof, in Jackson County Deed Book 269, Page 640 in favor of The California Oregon Power Company.
3. Easement, created by instrument, including the terms and provisions thereof, in Jackson County Deed Book 277, Page 1, for relocation of irrigation ditches and structures, and such drainage ditches and structures as may be necessary to the property construction and maintenance of relocated Crater Lake Highway.
4. The rights of the public in and to that portion of the above property lying within the limits of public roads and highways.
5. Except any portion of the above described tract lying within the right of way of Little Butte Irrigation Company Ditch.
6. Right of way, created by instrument, including the terms and provisions thereof, in Jackson County Deed Book 232, Page 407, and Volume 419, Page 93, in favor of the California Oregon Power Company, for transmission and distribution of electricity.
7. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Eagle Point Irrigation District.
8. Contract, including the terms and provisions thereof, dated November 27, 1968 and recorded March 3, 1970 as Document No. 70-01673, Official Records of Jackson County, Oregon, between Raymond Palm and Chloe Ellen Palm, husband and wife, vendor, and Lester H. Larson and Amanda I. Larson, husband and wife, vendee.

2. Second party agrees to pay the full sum of \$25,500.00 for said property as follows: \$8,000.00 already paid, receipt whereof is hereby acknowledged and the remaining balance of \$17,500.00 shall be paid at the rate of \$150.00 per month including interest, beginning September 7, 1971, and a like payment on the 7th day of each

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

SS.

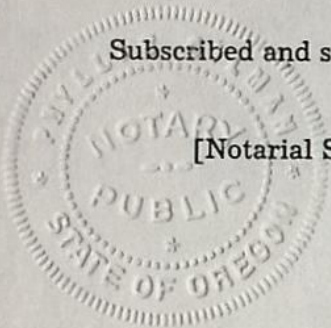
I, Dick L. Chamberlain and Carolyn R. Chamberlain, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my 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 Gilman
NOTARY PUBLIC FOR OREGON

My commission expires 3-5-77

Remarks

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.