

4066 Davis

Name Carl H. Davis

By _____

Address 680 Meadow View DriveWilliams Cr. 97544Change in UseDate filed October 6, 1978Date of hearing Dec 28, 1978Place of hearing Grants PassDate of order 7-13-79 Vol. 32, page 283Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued AUG 23 1979 Vol. 42, page 48462

FEB 18 1987

51

55699

4066

DESCRIPTION OF WATER RIGHT

Name of stream West Fork Williams CreekTrib. of _____ County of JosephineUse irrigationQuantity of water _____ No. of acres 12

Name of ditch _____

Date of priority 1875In name of now: Richard H. Rataleff Richard W. E. Vivian C. Lathun,
and Randal C. BridgesRegue River Adjudication, Vol. 4, page 27
(orig 16326)App. No. _____ Per. No. _____ Cert. No. 45058

(Cert # 47914 was issued Apr. 30 79)

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>10-6-78</u>	<u>45.00</u>	<u>6581</u>
<u>10-24-78</u>	<u>40.00</u> <u>- 2.00 =</u>	<u>6921</u>
TOTAL . . .		
<u>12-14-78</u>	<u>#2 Cert. Fee</u>	<u>Transf. from 6581</u>
<u>Daily Courier \$42.77 pd 12-14-78 ck# 2980</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>12-14-78</u>	<u>5.23</u>	<u>2985</u>

EX 20-
USE 15-
CMT 2-
PDW 42.27
79.27

REMARKS

See Reservoir Appl. No R-57977

W.R.I.S.

Assembled 7-5-85 by SKA

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>OK</u>
<input checked="" type="checkbox"/>	Stream	<u>OK</u>
<input checked="" type="checkbox"/>	Pl. of Div.	<u>OK</u>
<input checked="" type="checkbox"/>	Calendar	<u>OK</u>
CHECKED TO RECORD:		
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>OK</u>
<input checked="" type="checkbox"/>	Deed-vault	<u>OK</u>
<input checked="" type="checkbox"/>	Deed-subs	<u>OK</u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u>OK</u>
<input checked="" type="checkbox"/>	Per. Folder	<u>OK</u>
<input checked="" type="checkbox"/>	Chaindex	<u>OK</u>
<input checked="" type="checkbox"/>	Cross Ref.	<u>OK</u>
<input checked="" type="checkbox"/>	Power Claim	<u>OK</u>
<input checked="" type="checkbox"/>	Abstracts	<u>OK</u>

JOSEPHINE COUNTY

1" = 400'

T-4066

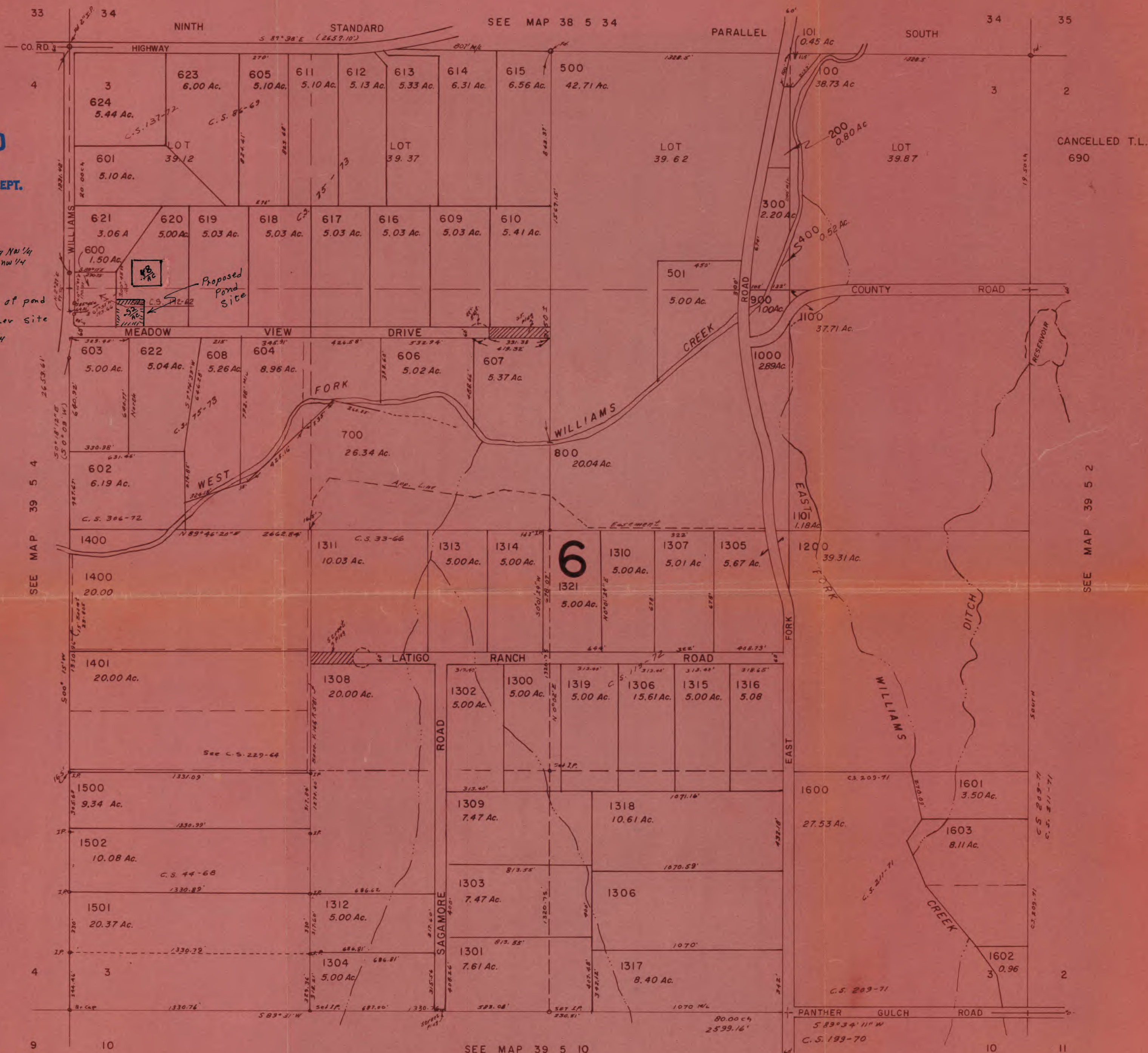
RECEIVED

OCT 6 1978

WATER RESOURCES DEPT.
SALEM, OREGON

To be removed 1.48 AC NW 1/4 NW 1/4
1.52 AC SW 1/4 NW 1/4
Total: 1.0 AC

changed to maintenance of pond
which is located on former site
of .52 AC in SW 1/4 NW 1/4



POD
POU
USE
Add'l POD

County Josephine

1. Name Carl H. Davis
Address 680 Meadow View Dr., Williams, OR 97544

3. Use irrigation to maintenance of pond for sub culture *

5. Proposed Point of Diversion

6. Completion Date 10-1-81

7. Place of Use:

[illegible]

ERS 9-30-80
PTS-1980-14A.

752 28-8-01
MALDEN

INFO: SEE AP. R-57977
AP. 58651

PTS-1980-1AA.

BRUCE R. SUND 9-30-80
F.E.

W.F. WILLIAMS CR

WRT-0982-01

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

 WATER RIGHT NO. 1000040661 PERMIT NO. 004027 CERTIF. NO.
 ORIG. NO. 0000163261 PREV. NO. 00043766 SUPER. NO.

NAME: CARL H. DAVIS

ADDRESS: 680 MEADOW VIEW DR

CITY/STATE/ZIP/COUNTY: WILLIAMS, OR 97544 17

STREAM-ID 15 1680 1540 0340

RIV. MI.

WM. DIST. 14 W.R. TYPE SC STATUS V

CANCEL YEAR---->

CONSTR. COMPLT--> 10 01 1981

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 12 31 1875

PUT TO USE-----> 10 01 1981

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION-----> 10 06 1978

SURVEYED----->

EXAM. FEE----->

RECORDING FEE----->

15.00

PERMIT ISSUE--> 07 13 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 07 13 1979

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

 POINT-OF-DIVERSION DATA;
 TWP/SP RGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

3905 050W 04 D A 15 1680 1540 0340

0.020

V P

 ** REMARKS;----->
 ** DATED-->

** ROD'S CHAPMAN DISCH, 440'S \$

** 1200' W FM E 1/4 COR S 4. CHANGES

** USE PART OF C-45058. RR

** C-48462.

 PLACE-OF-USE DATA:
 TWP/SP RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

3905 050W 03 B C 17 W1 100 -

V P

48462

W.R.I.S.

Assembled 4-5-85 by SDA

Entered _____ by _____

Verified _____ by _____

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF CARL H. DAVIS FOR APPROVAL OF)
A CHANGE IN USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4066

On October 6, 1978, an application was filed in the office of the Water Resources Director by Carl H. Davis for approval of a change in use heretofore made of water from West Fork Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 45058, Volume 37, State Record of Water Right Certificates, in the name of Charles H. Retzloff, et. al., describes a right which includes the use of not to exceed 0.02 cubic foot per second from West Fork Williams Creek for irrigation of a certain 0.48 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.52 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 39 South, Range 5 West, W.M., with a date of priority of 1875.

Water for the said right is diverted, through the Chapman Ditch, from a point located 440 feet South and 1200 feet West from the East Quarter Corner of Section 4, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 39 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made of water and, without loss of priority, to hereafter use the water within the irrigation season for maintenance of a pond for swan culture, constructed within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 39 South, Range 5 West, W.M., under reservoir permit No. R-7832.

Notice of the application, pursuant to ORS 540.520(2), was published in the Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of November 6, 13 and 20, 1978.

Mr. Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed change in use heretofore made of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in use heretofore made of water may be made without injury to existing rights, the application should be approved.

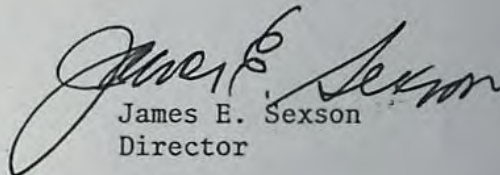
NOW, THEREFORE, it hereby is ORDERED that the requested change in use hereto-

fore made of water, as described herein, without loss of priority, is approved.

If is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate of water right recorded at page 45058, Volume 37, 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 proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 13th day of July, 1979.


James E. Sexson
Director

RECEIVED

JUL 23 1979

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

use heretofore made of water from West Fork Williams Creek.

PURSUANT TO TRANSFER APPLICATION NO. 4066

I, CARL H. DAVIS, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by 10/10, 1978.

7/19/79
Date

Carl H. Davis
Signature

OK
(Mail to the Water Resources Department, Salem, Oregon 97310.)

T-4066
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OCT 6 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

RECEIVED

OCT 24 1978

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Carl H. Davis

(Name of applicant)

of 680 Meadow View Drive

(Mailing address)

Williams

(City)

State of OR

97544

(Zip Code)

846-6484

(Phone number)

, do hereby make application for change

in place of use and character of use

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

1. Is the water right recorded in your name? no - E.E. Blanchard

(If not, give name)

2. Was your water right determined by Decree of Court? yes If so, give title of proceedings

(Yes or No)

Rogue River Decree

number of certificate 16326 ^{now} (45058)
(Trns. 2743)

3. Was your water right acquired by Water Right Permit? If so, give number

(Yes or No)

of permit Number of certificate

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is W.F. Williams Cr.

5. What is the date of priority of your water right? 1875

6. The authorized point of diversion is located 440 ft. S and 1200 ft. W from the E $\frac{1}{4}$

(N. or S.)

(E. or W.)

corner of Sec. 4 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4 Tp. 39 S R. 5 W W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Josephine The name of the ditch used is Chapman

NOTE: Answer question if the application is for change in point of diversion.

7. 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.,

(No. N. or S.)

(No. E. or W.)

in the county of The name of the ditch to be used is

8. The use to which the water is applied is irrigation

(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
39 S	5 W	3	NW $\frac{1}{4}$ NW $\frac{1}{4}$.48
			SW $\frac{1}{4}$ NW $\frac{1}{4}$.52
			TOTAL	1 acre

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? yes

(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? no

(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
First Mortgage dated 1977	Jackson Co. Fed	\$14,852.00

13. The use to which the water is to be applied is maintenance of swan pond

(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
39 S	5 W	3	SW $\frac{1}{4}$ NW $\frac{1}{4}$	3.6 ac pond

(If more space required, attach separate sheet)

(App- R-57977)

14. Reasons for the proposed changes are Am filing a reservoir application for storage of winter runoff and Chapman Ditch water for swan culture.
I want to change the character of use of some of my 1875 water, so I will be able to keep fresh water in the pond in late summer when later priorities are often cut off

15. Construction work will be completed on or before October 1, 1979

16. The water will be completely applied to the proposed use on or before October 1, 1980

Remarks _____

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Carl Davis, 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 3 day of October, 1978

Carl A Davis
(Name of applicant)

Subscribed and sworn to before me this 3rd day of October, 1978

[Notarial Seal]

Dee J Campbell
NOTARY PUBLIC FOR OREGON



My commission expires March 20, 1981



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: October 12, 1978FROM: ** Bob Steimer, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4066IN THE NAME OF Carl H. Davis

RECEIVED
OCT 17 1978
WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed change in use heretofore made of water from West Fork
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~ ^{Williams Cr.} to an existing water right.

Headgate notices HAVE ~~WILL BE~~ been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? NA
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
 (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

**

Watermaster's signature or initials

LEGAL NOTICE

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 4066

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Carl H. Davis for approval of a change in use heretofore made of water from West Fork Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 45058, Volume 37, State Record of Water Right Certificates, in the name of Charles H. Retzlaff, et al, describes a right which includes the use of not to exceed 0.02 cubic foot per second from W. Fk. Williams Cr. for irrigation of a certain 0.48 ac in NW¹/₄ NW¹/₄ & 0.52 ac in SW¹/₄ NW¹/₄ of Sec 3, T 39S, R 5W, WM, with a date of priority of 1875.

Water for the said right is diverted, through the Chapman Ditch, from a point located 440 ft S & 1200 ft W from the E¹/₄ Corner of Sec 4, being within the NE¹/₄ SE¹/₄ of Sec 4, T 39S, R 5W, WM.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made of water and, without loss of priority, to hereafter use the water within the irrigation season for maintenance of a pond for swan culture in SW¹/₄ NW¹/₄ of Sec 3, T 39S, R 5W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on December 28, 1978, at 9:30 a.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 Carl H. Davis, 680 Meadow View Dr., Williams, OR 97544; 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 1st day of November, 1978.

JAMES E. SEXSON
Director

No. 188 -- Mon, Nov. 6, 13, & 20, 1978

RECEIVED

AFFIDAVIT OF PUBLICATION

NOV 21 1978

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon }
County of Josephine } ss.

I, Charles J. Moore, being

first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Grants Pass Daily Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 4066

, 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 Mon. - November 6, 13 & 20, 1978 *ok*

Subscribed and sworn to before me this 20th day of November, 19 78

Kathleen Zehner
Notary Public of Oregon.

My commission expires 4th day of February, 19 80.



Water Resources Department
MILL CREEK OFFICE PARK

555.13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

April 24, 1979

File No. R-57977

Carl Davis
680 Meadow View Dr.
Williams, OR 97544

Dear Mr. Davis:

Your application for a permit to construct Swan Lake Reservoir and store 3.6 acre feet of water from West Fork Williams Creek and winter runoff for Swan culture has been filed as number R-57977. Also received was your map, legal description, and fees in the amount of \$30.00 for which our receipt numbered 6582 is enclosed.

While your transfer from Certificate No. 45058 provides water from West Fork Williams Creek for Swan culture during the irrigation season, a secondary application is necessary to appropriate water from West Fork Williams Creek during the rest of the year and from winter runoff and the reservoir throughout the year. I am enclosing an application form and instruction booklet for that purpose.

Your reservoir application will be examined further upon receipt of the secondary application.

If you have further questions, please feel free to contact me.

Sincerely,

DONALD R. BUELL,
Water Rights Engineer.

DRB:cm
Enclosures.

DAVIS,

CARL H. & RUTH P.

53077957

PAGE 60 ACCT(53077957) AUG 14 78

705 CARL H. DAVIS

706 RUTH P. DAVIS

707 660 MEADOWVIEW DRIVE

708 WILLIAMS, OREGON 97544

PAGE 61 ACCT(53077957) AUG 14 78

709

710 WILLIAMS, OREGON 97544

711 0

716 00499

717 0176

722 0

723 0

724 000000000

727

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OCT 24 1978

WATER RESOURCES DEPT.
SALEM, OREGON

T 12 78 ML ST CS 53077957 B34

*** 1,14021504
1485220
118.07

T 12 78 ML ST 53077957 B34

PRINCIPAL 9.77
INTEREST 108.30
LATE CHARGE .00
RESERVE .00
*TOTAL PYMT 118.07
PR OVERAGE 118.07
ES OVERAGE .00
INT PAID TO 10-01-78

1,001.78

T 12 78 ML ST QC 53077957 B34 5081,62030

*** 508162030
729.17
929.78

LOAN COMMITTEE:

35,000.00

The above referenced loan covers 5 acres with 4.6 acres having water rights for irrigation purposes from Williams creek via Chapman water ditch approx 1 mile. Mr. Davis wishes to transfer 1 acre of irrigation purpose to the fresh water filling and maintenance for his 1/2 acre pond that he built 150 X 150. I recommend that we concur: D. Gilbert

D. Gilbert

LOAN COMMITTEE:

James D. Smith
John D. Smith
John D. Smith

DATE: 10/16/78

ACTION: _____

BOARD MEETING: _____

Hand Copy to Davis 10-17-78 *DS*

SCHEDULE A

Amount \$ 49,900.00

Date May 4, 1978

At 5:00 P.M.

INSURED

CARL H. DAVIS AND RUTH P. DAVIS

The estate or interest referred to herein is, at the date hereof, vested in

4-20-
CARL H. DAVIS AND RUTH P. DAVIS
an estate in fee simple as tenants by the entirety

The land referred to in this policy is described as

A parcel of land in the Northwest Quarter of Section 3, Township 39 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon, being more particularly described as follows: Beginning at the Northeast corner of the Northwest Quarter of said Section 3; thence along the East line of the Northwest Quarter of said Section 3, South 0° 11' 36" West 1507.15 feet to an iron rod on the Northerly right of way line of Meadow View Drive; thence along said right of way line, West 2005.00 feet to an iron rod which is the true point of beginning; thence continuing along said right of way line, West 402.47 feet; thence North 0° 49' East 289.51 feet to an iron rod; thence North 34° 17' 56" East 453.56 feet to an iron rod; thence South 89° 56' 53" East 145.00 feet to an iron rod; thence South 0° 11' 36" West 664.03 feet to the true point of beginning.

5 390503-00-9 620-00-2