

4216 Smith

Name Andy SmithBy 2301
Address Lone Rock Road
Glide, OR 97443Change in PODDate filed June 27, 1979

Date of hearing _____

Place of hearing _____

Date of order 9-25-79 Vol. 32, page 403Date for application of water EXT: 10-1-80 1-81

Proof mailed _____

Proof received _____

Certificate issued AUG 27 1985 Vol. 48, page 53311Surveyed 10/17/84to Aug 7/81Domestic Canceled Sp.Or.Rec.Vol. 39 P. 213

REMARKS

CARD FOR C NOV 4 1980

V. 80 p. 444

4216

DESCRIPTION OF WATER RIGHT

Name of stream Britt CreekTrib. of _____ County of DouglasUse irrigation + domesticQuantity of water _____ No. of acres 10[±]

Name of ditch _____

Date of priority Feb 27, 1930In name of W.A. & A.B. Smith

_____ Adjudication, Vol. _____, page _____

App. No. 13295 Per. No. 9538 Cert. No. 42161

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-27-79</u>	<u>35-</u>	<u>12414</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

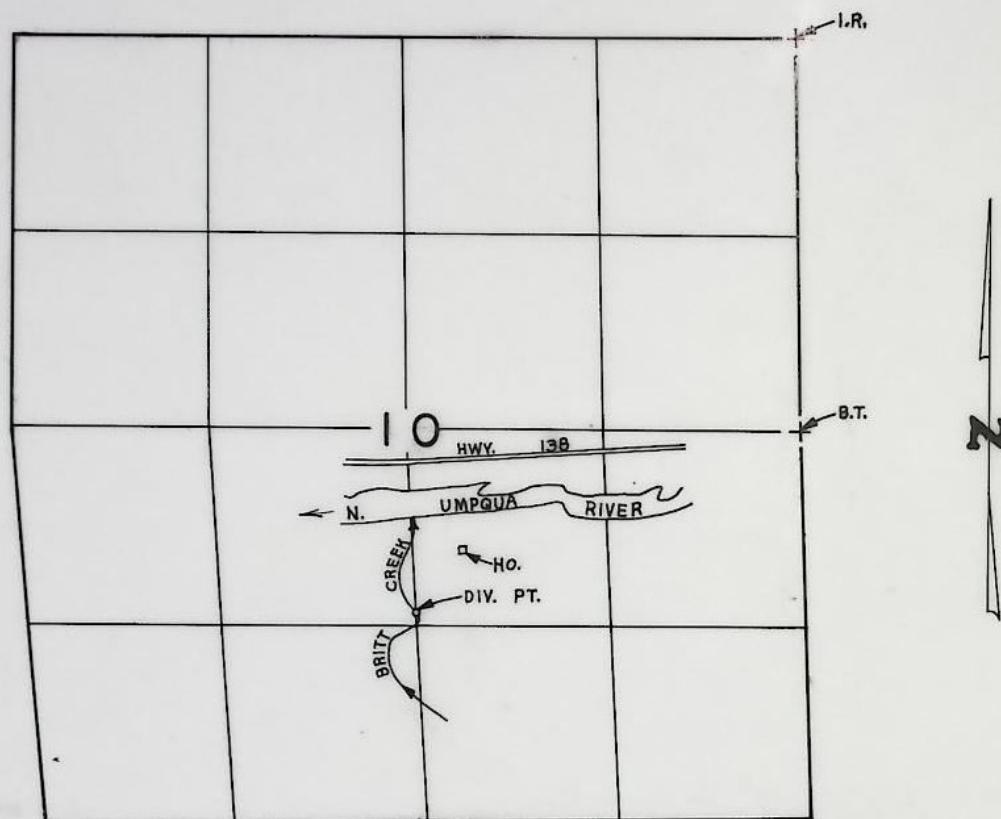
TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
☒	Name	<u>by</u>
☒	Stream	<u>by</u>
☒	Pt. of Div.	<u>by</u>
☒	Calendar	<u>by</u>
☐	Twp. & Rge.	<u>SRB</u>
☐	Decree-vault	<u>by</u>
☐	Decree-safe	<u>by</u>
☒	Cert. of W/R	<u>by</u>
☐	Per. Folder	<u>WJB</u>
☐	Chainindex	<u>by</u>
☐	Cross Ref.	<u>by</u>
☒	Power Claim	<u>by</u>
☒	Abstracts	<u>by</u>

W.R.I.S.	
Approved <u>3-6-85</u> by <u>SRB</u>	
Entered _____ by _____	
Verified _____ by _____	

Smith

442

T. 26 S., R. 3 W., W. M.



DIV. PT. LOCATED 1,415'N. & 75'W. FROM S. 1/4 COR. SEC. 10

SCALE: 4" = 1 mile

FINAL PROOF SURVEY
UNDER

T-4246

Application No. Permit No.
IN NAME OF

.....**ANDREW SMITH**.....

Surveyed ..OCT..17, 1984., by ..L..CASHION....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF ANDREW B. SMITH FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM BRITT CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 4246

On June 27, 1979, an application was filed in the office of the Water Resources Director by Andrew B. Smith for approval of a change in point of diversion of water from Britt Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 42161, Volume 34, State Record of Water Right Certificates, in the names of G. W. Vaughn, W. A. Smith and A. B. Smith, describes a right for the use of not to exceed 0.125 cubic foot per second from Britt Creek for irrigation of a certain 10.0 acres and for domestic use for one family in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 26 South, Range 3 West, W.M., with a date of priority of February 27, 1930.

Water for the said right is diverted from a point located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 26 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1600 feet North and 27 feet East from the South Quarter Corner of Section 10, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 26 South, Range 3 West, W.M.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

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 under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when

in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

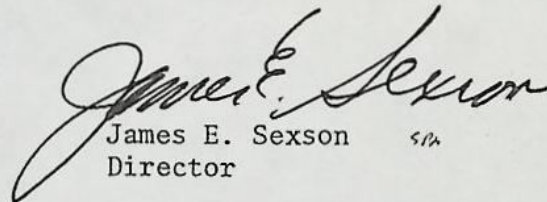
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificate recorded at page 42161, Volume 34, State Record of Water Right Certificates, is canceled; 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 25th day of September, 1979.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF CANCELLATION
OF A PORTION OF A WATER RIGHT
IN THE NAMES OF G.W. VAUGHN,
W.A. SMITH AND A.B. SMITH

)
)
)
)

O R D E R

On May 30, 1985, Andrew B. Smith submitted an affidavit that he is the owner of a certain water right and the lands to which the water right is appurtenant; that he has abandoned any and all interest in and to the said water right and requests the same be canceled.

The water right in question is a portion of the right described by the certificate recorded at page 42161, Volume 34, State Record of Water Right Certificates, in the names of G.W. Vaughn, W.A. Smith and A.B. Smith, as modified by Transfer 4246, and is for the use of water from Britt Creek, with a date of priority of February 27, 1930, for domestic use for one family within NW 1/4 SE 1/4, Section 10, Township 26 South, Range 3 West, WM.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 42161, Volume 34, State Record of Water Right Certificates, as modified by Transfer 4246, is canceled.

Dated at Salem, Oregon, this 6th day of June, 1985.

William H. Young

WILLIAM H. YOUNG,
Director

0056/r
8832C

SMITH

BOOK 784 PAGE 213

SCHEDULE A ----REAL PROPERTY

PARCEL 1 :

Beginning at a point, marked by an iron pipe one (1) inch by twenty (20) inches, which is the southwest corner of this tract and is on the approximate north and south one sixteenth ($\frac{1}{16}$) line for the Southeast quarter of Section Ten (10) from which the section corner common to sections ten (10), eleven (11), fourteen (14) and fifteen (15) bears South no degrees twenty-seven minutes West (S 0 deg. 27' W) Fourteen hundred and ninety seven and five tenths (1497.5) feet and South eighty-nine degrees thirty-three minutes East (S 89 deg. 33' E) thirteen hundred and twenty (1320) feet, thence North No degrees twenty-seven minutes East (N 0 deg 27' E) Five Hundred and ninety-two (592) feet to the center of the North Umpqua River; thence upstream along the center of the river North Eighty-two degrees thirty minutes East (N 82 deg. 30' E) three hundred and seventy-one and five-tenths (371.5) feet; thence South No degrees twenty-seven minutes West (S 0 deg. 27' W) Six hundred and forty-three and four-tenths (643.4) feet to an iron pipe one (1) inch by twenty-four (24) inches; thence North eighty-nine degrees thirty-three minutes (N 89 deg. 33' W) West three hundred and sixty-seven and nine-tenths (367.9) feet to the place of beginning, containing five and twenty-two hundredths (5.22) acres, more or less, all in Township twenty-six (26) South of Range three (3) West of the Willamette Meridian, in Douglas County, Oregon.

PARCEL 2:

All that part of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, Township 26 South, Range 3 West, Willamette Meridian that is South of the center of the North Umpqua River, in Douglas County, Oregon. This parcel is further identified as Douglas County, Oregon Tax Lot 14, Assessor's Account No. 6829.00.

PARCEL 3:

A parcel of land lying in Section 17, Township 26 South, Range 3 West, Willamette Meridian, Douglas County, Oregon, and described as follows:

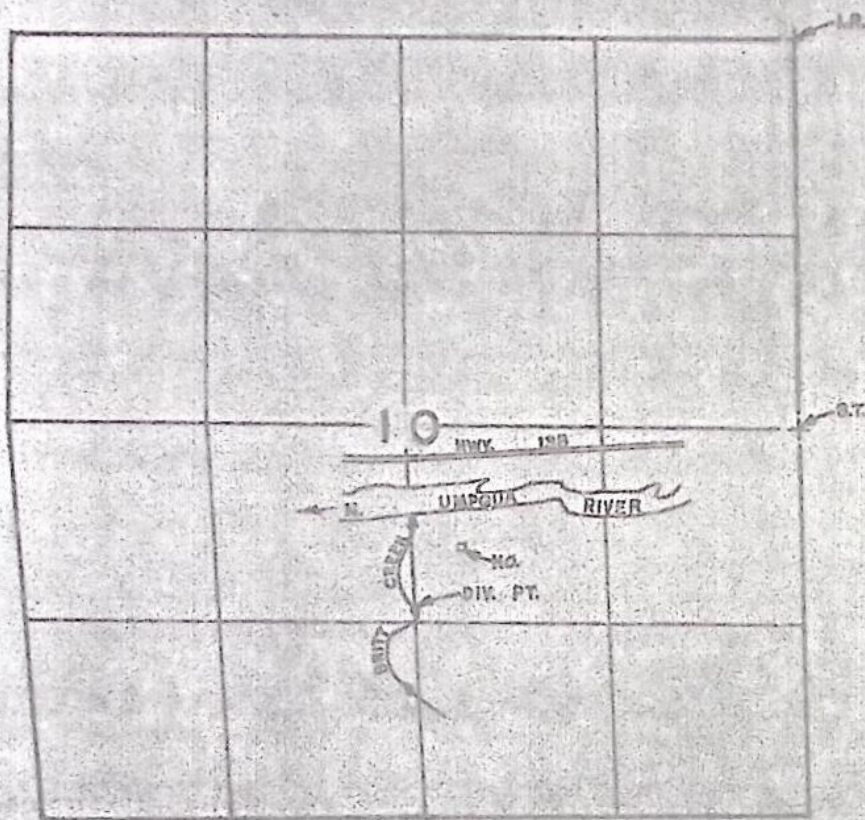
Beginning at a point which is South 89 degrees 26' West 224.2 feet from the east one-quarter corner of said Section 17; thence North 21 degrees 05' West 337.5 feet to a point in the centerline of the North Umpqua River; thence North 44 degrees 48' East, along said centerline, 110 feet, more or less, to the most westerly corner of the James L. Waterfield property as described in Instrument No. 74-6350, Records of Douglas County, Oregon; thence South 21 degrees 05' East 368.7 feet; thence South 61 degrees 19' West 105 feet, more or less, to the point of beginning.

Excepting that portion of the above described property lying within the boundaries of County Road No. 142.

SCHEDULE A

RECEIVED
MAY 16 1985
WATER RESOURCES DEPT
SALEM, OREGON

T. 26 S., R. 3 W., W. M.



DIV. PT. LOCATED 1.515' N. & 75' W. FROM S. 1/4 COR. SEC. 10

SCALE: 4" = 1 mile

FINAL PROOF SURVEY
UNDER

T-4246

Application No. Permit No.

IN NAME OF

ANDREW SMITH

Surveyed OCT. 17, 1984 by L. CASHION

RECEIVED

MAY 16 1985

WATER RESOURCES DEPT
SALEM, OREGON

POD
POU
USE
Add'l POD

County Douglas

1. Name Andrew Smith

Address 2301 Lone Rock Road, Slide, OR 97443

2. Source of Water Britt Creek Trib of N. Umpqua R.

3. Use $\ln 10^2 ac$ ~~$\ln 10^2 ac$~~

4. Amount of Water 0.125 cfs

5. Priority Date Feb 27, 1930

6. Proposed Point of Diversion $\overset{1415}{600}' N \text{ \& } \overset{75}{27}' E$ from $S \frac{1}{4}$ Corner,
 $S 10^{\circ} W$ in NW $\frac{1}{4}$ SE, S 10, T 26 S, R 3 W, WM

7. Completion Date 10-1-81

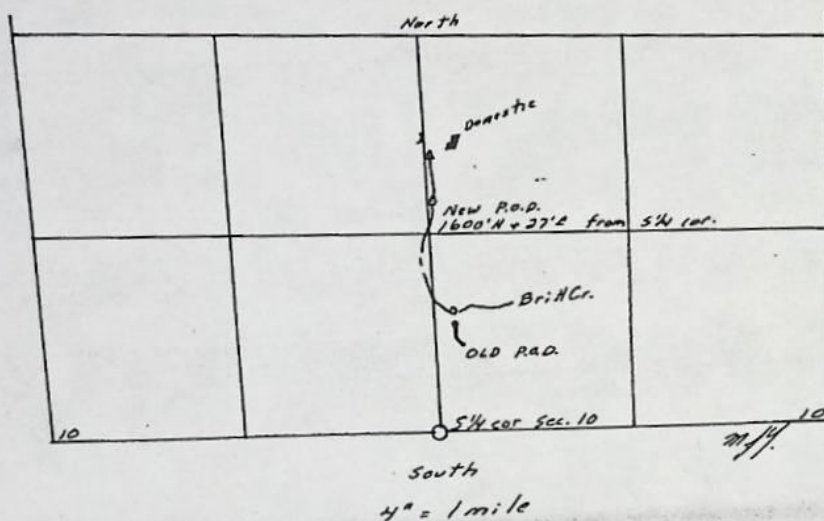
8. Place of Use:

[illegible]

RECEIVED

SEP 18 1979

WATER RESOURCES DEPT
SALEM, OREGON



T265 R.3 W.W.M.

RESEARCH:

NW/SE

21081 (150' DIFFERENCE N-S DIR. HOUSE)

28286 ✓

30759 ✓

Permit for spring for Smith domestic
north of river

32955

9538 (POSSIBLE CONFLICT)?

44442 ✓

N. Umpqua used for domestic
@ one time

INFO: Mr Smith indicates POD location

10-17-84

SOURCE: Britt Creek

DIV PT: directly from creek

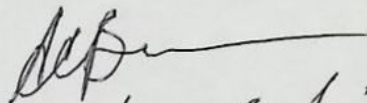
USE: irrigation; no domestic use

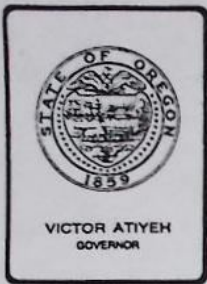
HEADS: 9 max @ one time
lawn sprinklers (5 gpm)

PUMP: 5 HP gas motor
CDD pump $1\frac{1}{2}$ " x $1\frac{1}{2}$ "

PHOTO: 41019-378 188C

note: will voluntarily cancel portion of certificate
allowing for domestic use. MR Smith has
developed a spring which does not flow from
his property for his domestic use. This spring
is located approx $\frac{1}{4}$ mile East of house.


for Lynn Cashin
SWRE



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066 or
1-800-452-7813

August 4, 1981

Andrew B. Smith
2301 Lone Rock Road
Glide, OR 97443

Dear Mr. Smith:

REFERENCE: File T-4246

The Notice of Completion of Works and Use of Water under the provisions of the order of the Water Resources Director approving Water Right Transfer Application 4246, for a change in point of diversion of water from Britt Creek, was received and, in line with the general practice of this office, a survey will be made at a later date.

After the survey, proof may be made and certificate of water right issued covering the actual use of water as found by the engineer. (In case of irrigation, any lands described in the order that have not been irrigated will be automatically eliminated from the water right.)

In the meantime, the order will be evidence of the water right in question as long as the authorized beneficial use of water is continued.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wpc
cc: Gary L. Ball, Watermaster
0647A
6228A

RECEIVED

JUL 21 1981

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

point of diversion of water from Britt Creek

PURSUANT TO TRANSFER APPLICATION NO. 4246

I, Andrew B. Smith, 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 7-18, 1981

7-18-81

Date

Andrew B. Smith
Signature

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

OK
Gaj

Application No. 4246

Application for Extension of Time for Transfer of Water Right

RECEIVED

NOV 20 1980

WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Andrew B. Smith
(Name of applicant)
of 2301 Lone Rock Road, Glide
(Mailing address) (City)
State of Oregon, 97443, 496-3216
(Zip Code) (Phone number)

do hereby make application for an extension of time within which to complete
a change in: ☒ (X) point of diversion
() place of use
() use heretofore made of water

under the terms of an order of the Water Resources Director entered on
September 25, 1979, approving transfer application No. 4246,
in the name of Andy Smith Andrew B. Smith *.

The following has been accomplished toward completion of the
change within the time allowed, which expired on October 1, 1980:

No work was done due to sickness and death
in family

(If for irrigation, how many acres, total, are now irrigated)

*If you are not the applicant named above, please explain your interest in
this matter.

11-20-80
510.00
#21603

Ext to 10-1-81
SRB

To fully complete the change, it will be necessary to accomplish the following: Install pump and pipe line

I am unable to complete the change under the terms of the order, within the time allowed, because My wife had been a cancer patient for several years. During the latter part of 1979 her condition weakened continued to get worse, resulting in her death Sept 2-1980. During her long illness it was necessary for me to be with her as much as possible. and request that the time for completion be extended to October 1-1981 so I was unable to work on the project

AFFIDAVIT OF APPLICANT

I, Andrew B. Smith, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 19 day of Nov, 1980.

Subscribed and sworn to before me this 19th day of November, 1980

[Notarial Seal]

Jane Y. Hall
Notary Public for Oregon
My commission expires 4-14-84

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$ 10.00

TO:

Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E.
SALEM, OREGON 97310

RECEIVED

NOV 10 1980

WATER RESOURCES DEPT
SALEM, OREGON

Glide, Ore.

11-7-80

Water Resources Department,
Mill Creek Office Park,
Salem, Oregon.

Samuel Allison,
Transfer Section.
Ref. File Number T-4246

This is to request an extension of time application
for the completion of my water right transfer until
October 1, 1981

The reason for the request is that my wife had been
a cancer patient for several years. During 1979 and
1980 her condition continued to worsen, resulting in
her death on September 2, 1980. During her long
illness it was necessary for me to be with her as much
as possible. So I was unable to do any work at all on
the water right transfer but hope to be able to complete
the work during the coming year, if approved.

Very truly yours,

Andrew B. Smith
Andrew B. Smith
2301 Lone Rock Road
Glide, Ore, 97443

11/10/80
Rin

378-3066 or
1-800-452-7813

November 4, 1980

Andy Smith
Lone Oak Road
Glide, OR 97443

Dear Mr. Smith:

REFERENCE: File Number T-4246

Under the terms of the order of the Water Resources Director approving water right transfer application No. T-4246 in the name of Andy Smith for a change in change in place of use, point of diversion and/or use heretofore made of water, the time for completion expired on October 1, 1980.

If the authorized change was completed within the time allowed, the Water Resources Director should be so advised.

If the change was not completed, but has been prosecuted with reasonable diligence, an application form to request an extension of time may be secured from the Transfer Section of the Water Resources Department at the address listed above.

If you do not respond within sixty days, a survey will be scheduled to determine the actual use of water.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wpc
2194A
2794A

RECEIVED

SEP 18 1979

RECEIVED

WATER RESOURCES DEPT

JUN 27 1979

SALEM, OREGON

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

T-4246

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Andrew B. Smith
Andy Smith

(Name of applicant)

of Lone Rock Road

(Mailing address)

Glide

(City)

State of Oregon97443

(Zip Code)

496-3216

(Phone number)

do hereby make application for change

in point of diversion.

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

1. Is the water right recorded in your name? No. W.A. Smith & A.B. Smith

(If not, give name)

2. Was your water right determined by Decree of Court? No. If so, give title of proceedings

(Yes or No)

number of certificate

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

(Yes or No)

of permit 9538 Number of certificate 42161

A# 13295

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 Britt Creek5. What is the date of priority of your water right? February 27, 19306. The authorized point of diversion is located 1600 ft. N and 27 ft. E from the SW 1/4 corner of Sec. 10 being within the SW 1/4 SE 1/4 of Section 10 Tp. 26S R. 3W W. M.,

(N. or S.)

(E. or W.)

(No. N. or S.) (No. E. or W.)

in the county of DouglasThe name of the ditch used is ---

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

7. The proposed point of diversion is located 1600 ft. N and 27 ft. E from the SW 1/4 corner of Sec. 10 being within the SW 1/4 SE 1/4 of Section 10 Tp. 26S R. 3W W. M.,

(N. or S.)

(E. or W.)

(No. N. or S.) (No. E. or W.)

in the county of DouglasThe name of the ditch to be used is ---

8. The use to which the water is applied is irrigation and domestic.
(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
26S	3W	10	<i>NW 1/4</i> <i>NE 1/4 SE 1/4</i> <i>NW 1/4 Q.B.B.</i>	10.0 & domestic

(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.? Yes.
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(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

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are 1) Current point of diversion on someone else's

land and since ownership has changed, it would be better to have diversion on my
land.

..... 2) Ditch system difficult to maintain and not as efficient as pumping.

15. Construction work will be completed on or before 10-1-80

16. The water will be completely applied to the proposed use on or before 10-1-81

Remarks THE UPPER DIVERSION SHOWN ON APPLICATION

13295 WAS NOT USED AS INTENDED FOR MY LAND. WE USED

THE DIVERSION MARKED "DAM" FOR DOMESTIC AND IRRIGATION.

HEADWORKS CONSTRUCTED AT THE "DAM" LOCATION WAS SHARED

by VAUGHN, SMITH & SMITH. I AM THE A. B. SMITH SHOWN
on the original right. I.D.S.

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, Andy Smith, 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 26 day of June, 1979.

x Andrew B. Smith
(Name of applicant)

Subscribed and sworn to before me this 26 day of June, 1979.

[Notarial Seal]

Elaine M. Youngquist
NOTARY PUBLIC FOR OREGON

My commission expires 8-4-82



STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

SEP 18 1979

WATER RESOURCES DEPT

SALEM, OREGON

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: September 16, 1979.

FROM: ** M. John Youngquist

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. T-4246

IN THE NAME OF Andrew Smith

In my opinion the proposed change in Point of diversion
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~ to an existing water right.

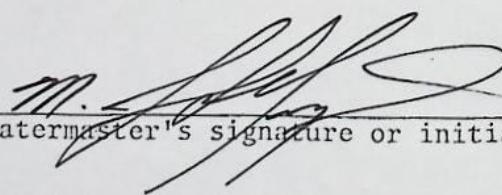
Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the sources which serves this right.

If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? No
(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 . . .
- X (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



STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

SEP 18 1979

WATER RESOURCES DEPT

SALEM, OREGON

TO: Sam Allison

DATE: September 17, 1979

FROM: M. John Youngquist, Watermaster
District #15

SUBJECT: T-4246 in the name of Andy Smith

Mr. Smith was in Thursday, September 13, 1979 and corrected his application. He located the house and corrected his point of diversion (new). In addition, we found two $\frac{1}{4}$ $\frac{1}{4}$ sections mistyped and corrected those.

Mr. Smith indicated the upper point of diversion was not used and felt he should be allowed to make his change from the lower point of diversion. I discussed this with Jim Carver since you were out. Since Mr. Smith is the same Andrew Smith on the original application and should be aware of the proof made, we noted a statement under remarks indicating the upper point of diversion was not used. The proof form did not assist in placing the original point of diversion.

If this is not sufficient, please advise me. My Watermaster Report is assuming Mr. Smith can use the point of diversion described on the application.

MJY:lh

Enclosures

MEMO TO FILE NO. T-4246

September 13, 1979

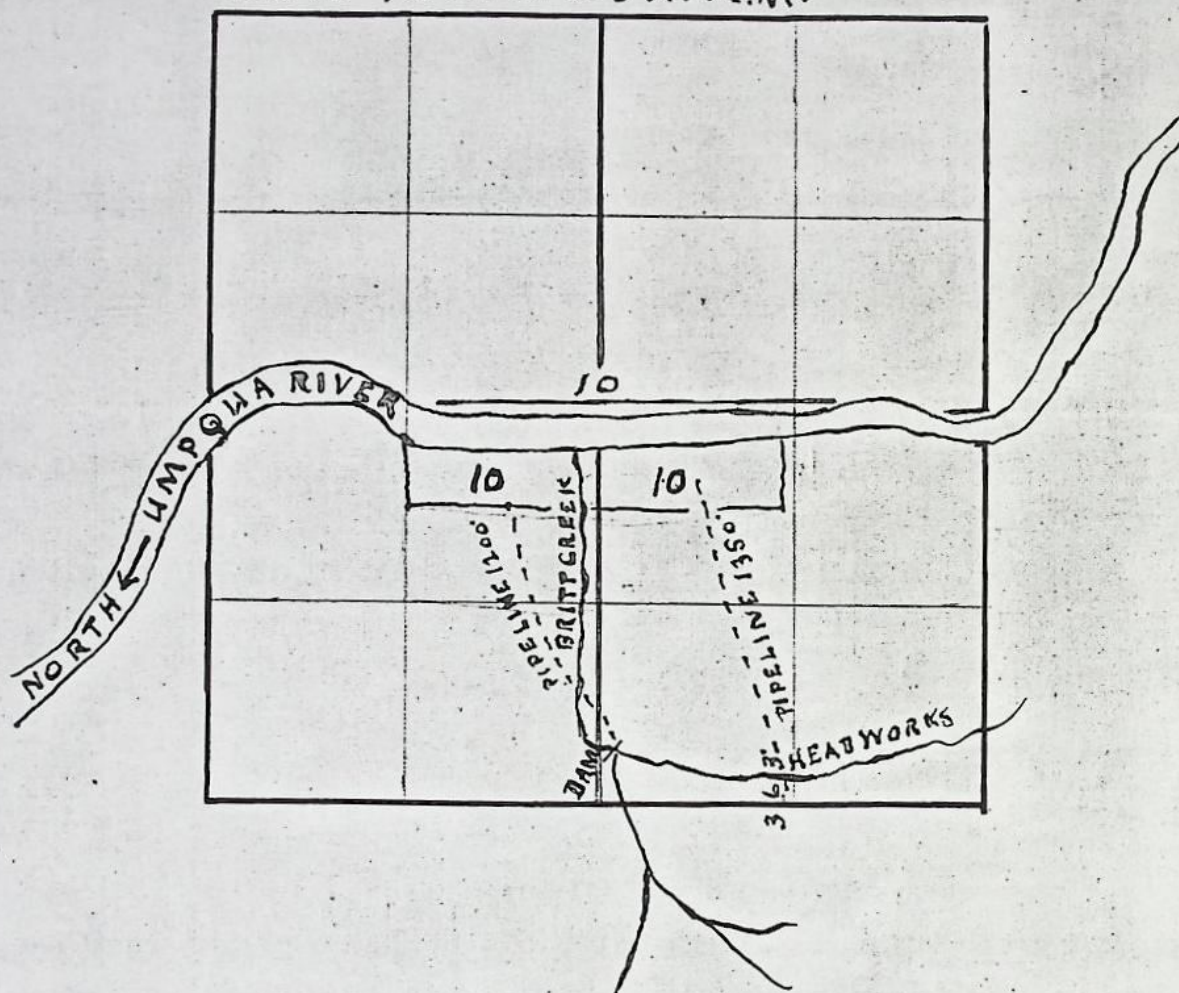
John Youngquist, Watermaster phone today and talked to Jim Carver re T-4246
John said Mr. Andy Smith, applicant, was in his office and seeking help in
regard to Wayne's letter of June 29, 1979.

Mr. Smith told John that he has been familiar with the subject water right
since before proof was made in 1932; and that the upper point of diversion
as shown on the map supporting application 13259 was never established; and
that all of the uses under the subject right were from the POD listed on the
transfer application No. 4246 as the "old POD".

Jim Carver told John Youngquist that if Mr. Smith would make such a statement
as a part of his application, over his signature, we would accept his word
on the matter.

PLAT OF APPLICATION OF G.W. VAUGHN W.A. SMITH AND
A.B. SMITH

SEC 10 T.P. 26 N. R 3 W. W.M.



Application No. 13295
Permit No. 9538



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

June 29, 1979

Andy Smith
Lone Rock Road
Glide, OR 97443

Dear Mr. Smith:

Your water right transfer application for approval of a change in point of diversion of water from Britt Creek, together with supporting map and fees of \$35.00, was received June 27, 1979. Our receipt numbered 12414 is enclosed.

According to our records, the authorized point of diversion of record for domestic use and for irrigation of the 10.0 acres allowed as described by certificate No. 42161 is located at a point on Britt Creek near the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 26 South, Range 3 West, W. M. I am enclosing a print of the map which supported permit No. 9538. This map, according to the proof of appropriation of water submitted by G. W. Vaughn, W. A. Smith, and A. B. Smith in September of 1932, correctly showed the point of diversion and place of use. Also, according to information in permit No. 9538, the water systems from both points shown on the map were completed at the time application was filed for permit.

Therefore, it will be necessary for you to correct the map supporting your transfer application and complete Item No. 6 on your application by properly locating the present authorized point of diversion with reference to a Government Survey Corner.

Our records do not show the location of the house supplied domestic water from Britte Creek. Therefore, it may be best at this time for you to also show on your map the location of the house and lands irrigated.

The proposed change in point of diversion will move the diversion point more than one-fortieth mile along the stream, therefore, it is necessary that notice of the proposed change be published at least once each week for three consecutive weeks in a newspaper that is printed and has general circulation in the county where the water right is located. Please submit a deposit of \$50.00 for this purpose and tell us which newspaper you prefer that we use. Any difference between the deposit and the actual cost will be settled with you upon completion of publication of the notice.

June 29, 1979
Andy Smith
Page Two

I am enclosing your transfer application and map. Please refer any correspondence to file No. T-4246.

Sincerely,

WAYNE J. OVERCASH
Water Rights Engineer

WJO:tld

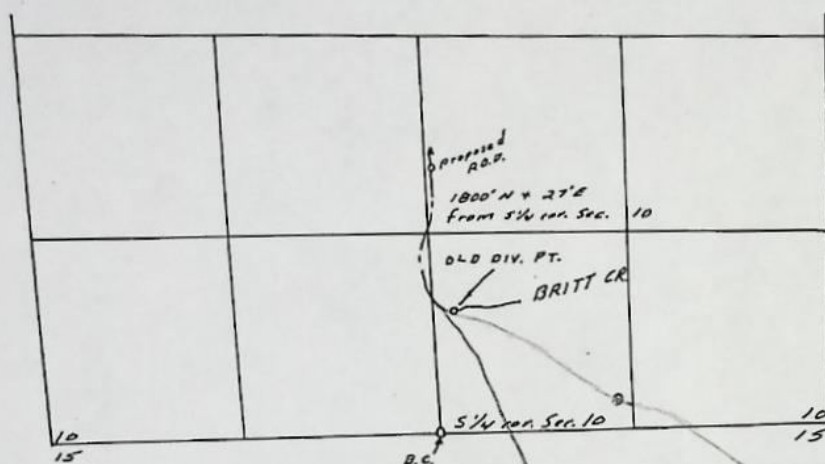
T-4246

RECEIVED

JUN 27 1979

WATER RESOURCES DEPT
SALEM, OREGON

NORTH



T265 R3W. W.M.
1", 1320'

There is a domestic right
on property from river
under C-205561
A-26242

Permit No 9538
locates Eastside P.D.
about 360' N + 1300ft. E.
from the 5/4 corner of
Section 10

RECEIVED

JUN 27 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

T-4246

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Andy Smith (Name of applicant)
of Lone Rock Road (Mailing address), Glide (City),
State of Oregon, 97443 (Zip Code), 496-3216 (Phone number), do hereby make application for change
in point of diversion.
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No. W.A. Smith & A.B. Smith
(If not, give name)

2. Was your water right determined by Decree of Court? No. If so, give title of proceedings
(Yes or No)
number of certificate

3. Was your water right acquired by Water Right Permit? Yes. If so, give number
(Yes or No)
of permit 9538 Number of certificate 42161

A# 13295

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 Britt Creek

5. What is the date of priority of your water right? February 27, 1930

6. The authorized point of diversion is located ft. and ft. from the corner of being within the SW 1/4 SE 1/4 of Section 10 Tp. 26S R. 3W W. M.,
(N. or S.) (E. or W.)
(No. N. or S.) (No. E. or W.)
in the county of Douglas The name of the ditch used is

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

7. The proposed point of diversion is located 1800 ft. N and 27 ft. E from the S 1/4
(N. or S.) (E. or W.)
corner of Sec. 10 being within the NE 1/4 SE 1/4 of Section 10 Tp. 26S R. 3W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Douglas The name of the ditch to be used is

8. The use to which the water is applied isirrigation and domestic.....
(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
26S	3W	10	NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0 & domestic

(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.?Yes.....
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(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

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are1)..... Current point of diversion on someone else's

land and since ownership has changed, it would be better to have diversion on my
land.

2) Ditch system difficult to maintain and not as efficient as pumping.

15. Construction work will be completed on or before10-1-80

16. The water will be completely applied to the proposed use on or before10-1-81

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, Andy Smith, 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 26 day of June, 1979.

x Andrew B. Smith
(Name of applicant)

Subscribed and sworn to before me this 26 day of June, 1979.



Elaine M. Youngquist
NOTARY PUBLIC FOR OREGON

My commission expires 8-4-82

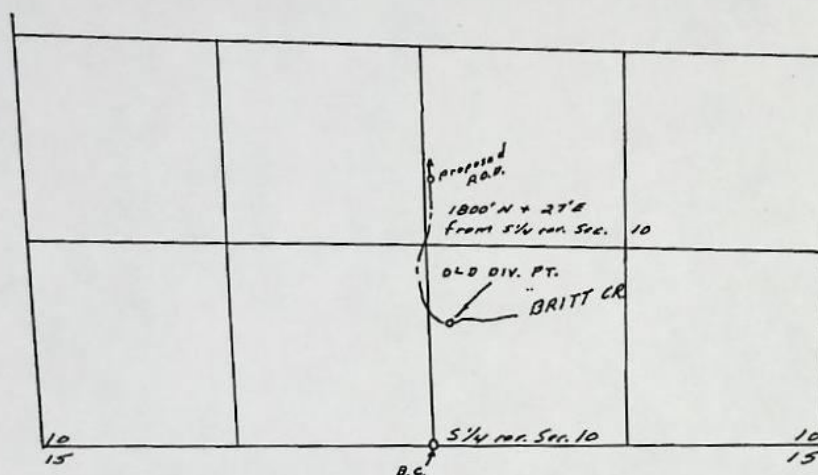
T-4246

RECEIVED

JUN 27 1979

WATER RESOURCES DEPT
SALEM, OREGON

NORTH



T265 R3W. W.M.
1", 1320'

[Handwritten signature]

RECEIVED

MAY 30 1985

WATER RESOURCES DEPT
SALEM, OREGON

A F F I D A V I T

STATE OF OREGON)
) ss
COUNTY OF)

I, Andrew B. Smith, of 2301 Lone Rock Road, Glide, Oregon 97443, being first duly sworn, depose and say that I am the legal owner of the following described property: all that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 26 South, Range 3 West, W.M. that is South of the center of the North Umpqua River, Douglas County, Oregon and the water right that is appurtenant thereto, it being a portion of certificate of water right recorded at page 42161, Volume 34, State Record of Water Right Certificates in the name of G.W. Vaughn, W.A. Smith, and A.B. Smith, under date of priority of February 27, 1930, for the use of water from Britt Creek for domestic use for one family within NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 26 South, Range 3 West, W.M; that I have abandoned any and all interest in this portion of the water right and request the said right be cancelled.

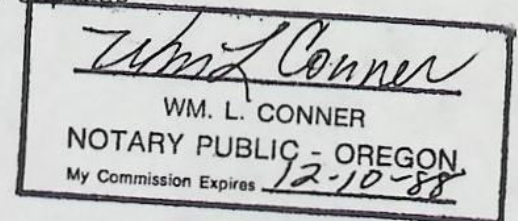
IN WITNESS WHEREOF, I hereunto set my hand this 29 day of May - 1985 1985.

Andrew B Smith

Subscribed and sworn to before me this 29 day of May 1985, 1985.

Notary Public of Oregon

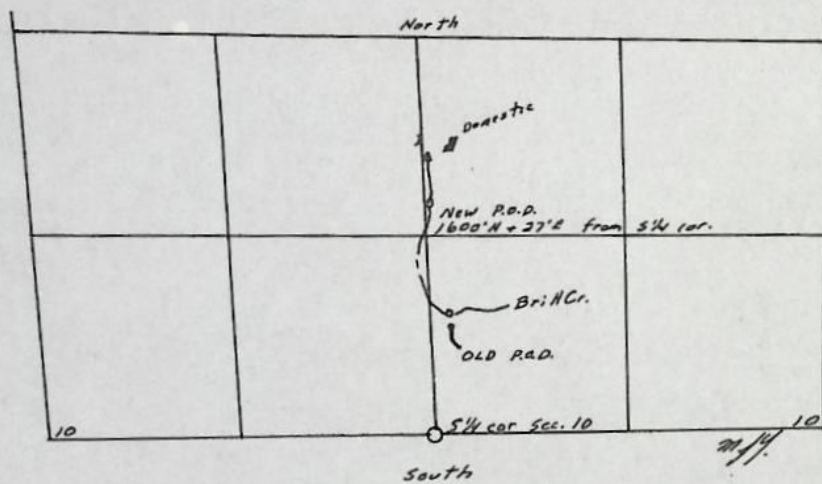
My Commission expires



RECEIVED

SEP 18 1979

WATER RESOURCES DEPT
SALEM, OREGON

 $4'' = 1 \text{ mile}$

T265 R. B. W. W. M.

1"-200'

TEMPORARY DRAFT
COPY

S81°37'E 379.3'

CEN. SEC.

50° 08' 30" E 528°

12-03

SEE MAP 26 3 10A

12-03

STATE HWY (CO. RD. NO. 4)

HWY NO. 138

UMPQUA RIVER

ANDREW V. SMITH

SEE CS 37-174

12-00

BRITT CREEK

POND

SEE M37-1

1/4 COR.

SEE MAP 26 3 10C

SEE MAP 26 3 11

SEE MAP 26 3 15

1325.000

11,000

26 3 10D