

4196

Name Joe R. Swallow

By \_\_\_\_\_

Address 188 Dog Creek RoadSunny Valley, OR 97478Change in PODDate filed April 12, 1979Date of hearing June 14, 1979Place of hearing Grants PassDate of order 6-28-79 Vol. 32, page 246Date for application of water 10-1-80

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued JUL 23 1979 Vol. 41, page 48368AUG 14 199064728to survey, 8/79

## REMARKS

— FINIS —

## DESCRIPTION OF WATER RIGHT

Name of stream Grave CreekTrib. of \_\_\_\_\_ County of Josephine

Use \_\_\_\_\_

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

Date of priority March 8, 1954In name of W. C. Brinkley

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. 29050 Per. No. 22851 Cert. No. 21024

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

OK Cert

## FEES PAID

Date	Amount	Receipt No.
<u>4-12-79</u>	<u>85-</u>	<u>10234</u>
<u>6-21-79</u>	<u>&lt; 2.007</u>	<u>Transf to Cert.</u>
<b>TOTAL . . .</b>		
<u>6-22-79</u>	<u>#2 Cert. Fee</u>	<u>Transf to 10234</u>

Drily Courier \$37.27 pd 6/22/79 ck # 3478

## FEES REFUNDED

Date	Amount	Check No.
<u>6-22-79</u>	<u>10<sup>73</sup></u>	<u>3479</u>

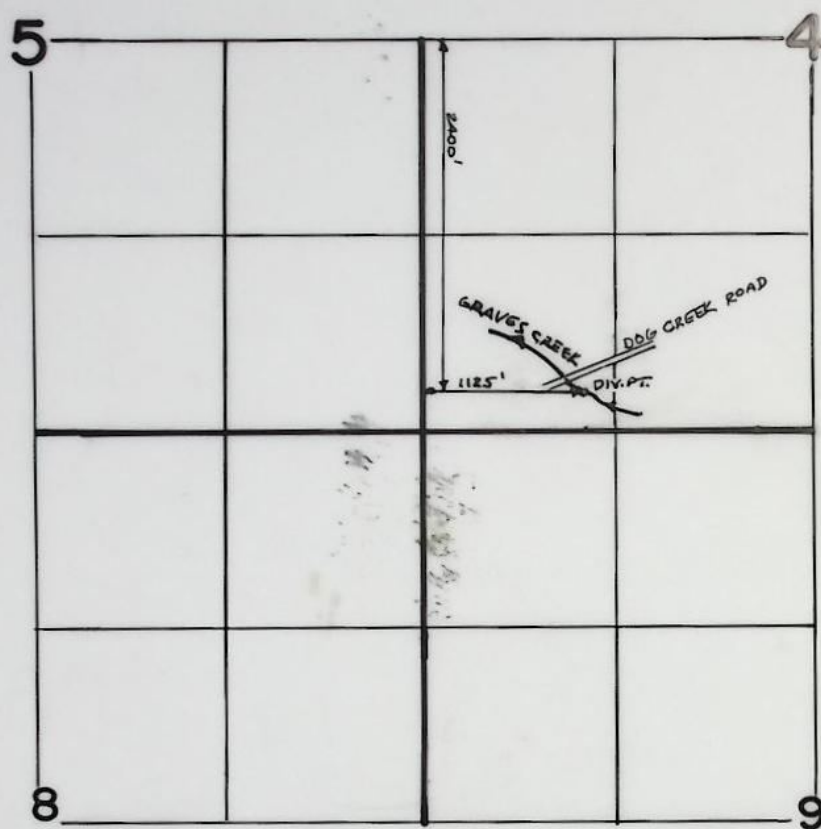
EX 20 -  
 POD 15 -  
 CERT 2 -  
 PON 37 27  
74 27

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>Yes</u>
<input checked="" type="checkbox"/>	Stream	<u>Yes</u>
<input checked="" type="checkbox"/>	Pl. of Div.	<u>Yes</u>
<input checked="" type="checkbox"/>	Calendar	<u>Yes</u>
<input checked="" type="checkbox"/>	CHECKED TO RECORD	<u>Yes</u>
<input checked="" type="checkbox"/>	Trav. & Reg.	<u>Yes</u>
<input checked="" type="checkbox"/>	Declar. of Int.	<u>Yes</u>
<input checked="" type="checkbox"/>	Decl. of W.R.	<u>Yes</u>
<input checked="" type="checkbox"/>	Per. Folder	<u>Yes</u>
<input checked="" type="checkbox"/>	Chain Index	<u>Yes</u>
<input checked="" type="checkbox"/>	Cross Ref.	<u>Yes</u>
<input checked="" type="checkbox"/>	Power Claim	<u>Yes</u>
<input checked="" type="checkbox"/>	Abstracts	<u>Yes</u>

W.R.I.S.	
Assembled	<u>5-1-85</u> by <u>SPD</u>
Entered	_____ by _____
Verified	_____ by _____



T.34S., R.6W., W.M.



SCALE: 1" = 1320'

**FINAL PROOF SURVEY**  
UNDER

Transfer No. 4196

Application No. .... Permit No. ....  
IN NAME OF

...JOE R. SWALLOW.....

Surveyed SEPT. 20 1984, by J.R. WOODROOFE..

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION )  
OF JOE R. SWALLOW FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM GRAVE CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 4196

On April 12, 1979, an application was filed in the office of the Water Resources Director by Joe R. Swallow for approval of a change in point of diversion of water from Grave Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 21024, Volume 15, State Record of Water Right Certificates, in the name of W. C. Brinkley, describes a right which includes the use of not to exceed 0.04 cubic foot per second from Grave Creek for supplemental irrigation of a certain 3.01 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4, Township 34 South, Range 6 West, W.M., with a date of priority of March 8, 1954.

The authorized point of diversion for said right is located 1700 feet South and 200 feet West from the West Quarter Corner of Section 4, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 5, Township 34 South, Range 6 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 2500 feet South and 1160 feet East from the West Quarter Corner of Section 4, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4, Township 34 South, Range 6 West, W.M.

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 April 23 and 30; and May 7, 1979.

Mr. Robert B. Steimer, 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:

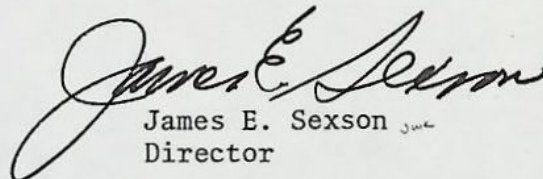
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 21024, Volume 15, 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 28th day of June, 1979.

  
James E. Sexson  
Director



1-28-85

To T-4196, A-20080, A-29050  
From T. Shook

I sent field form & mylar to J. Woodroof and requested info about primary source. He in turn wrote to J. Swallow for the additional info.

Mr. Swallow called me today & wanted to know what he had to do. He was not aware of C-15764 & has only used Grave Creek since mid-70's, although he did request info from Watermaster in '75.

I discussed project with Larry J. & Bruce E., & they said we will have to visit site again & specifically look for evidence of dredge seepage. If there is no seepage during irrigation season, T-4196 will be OK.

In the event there is water available from seepage & it is not used, the Grave Creek right would be enlarged & T-4196 could not be confirmed.

When I talked again with Mr Swallow, he said there is seepage during winter months but none during the irrigation season. I said we'd be out to verify.

John W. was instructed to look again but after April '85.



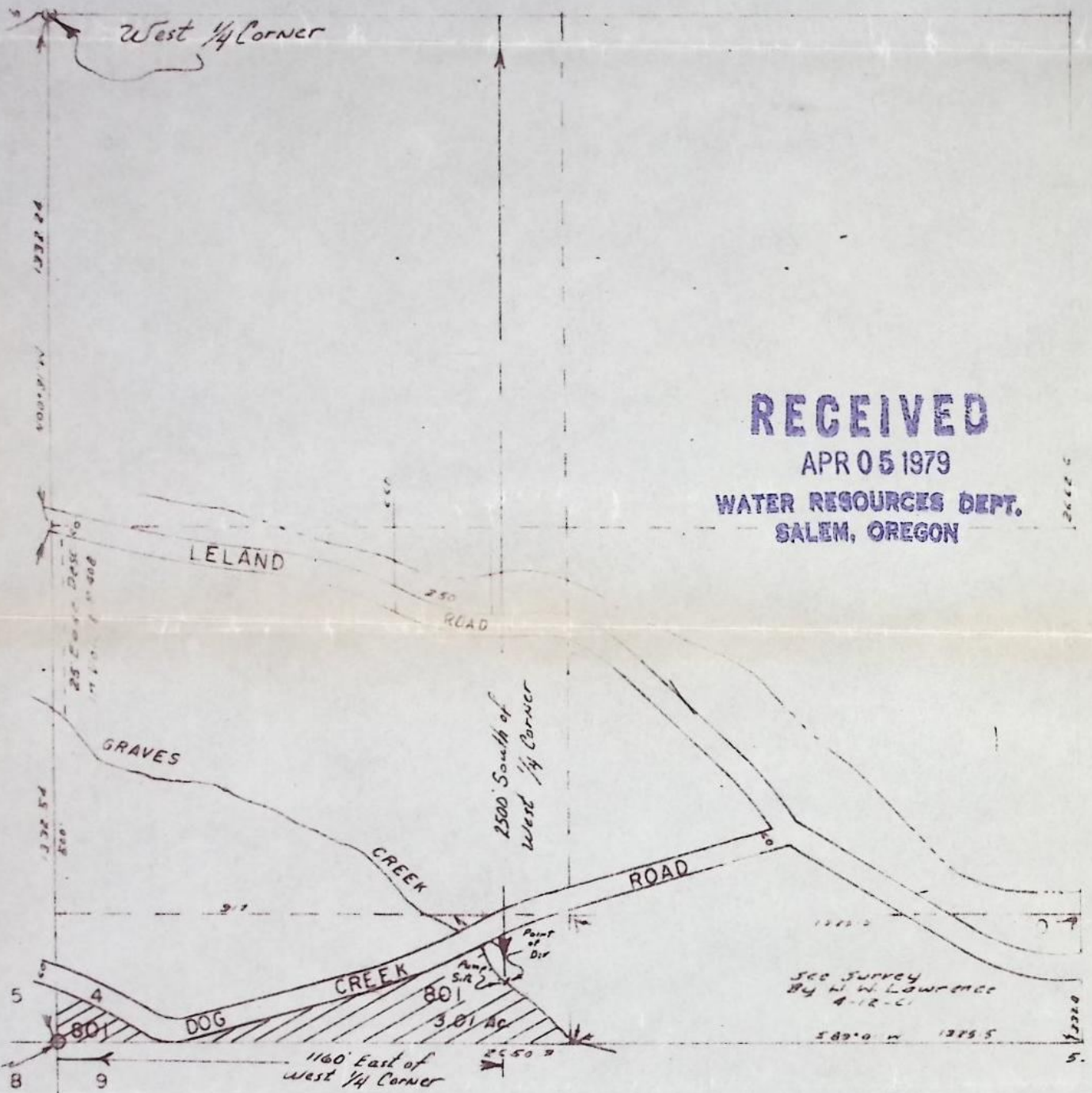
SW 1/4  
SECTION 4 T.34S. R.6W. W. M.  
JOSEPHINE COUNTY

1" = 400'

T-3206  
T-4196

RECEIVED

APR 22 1975  
STATE ENGINEER  
SALEM, OREGON



RECEIVED

APR 05 1979  
WATER RESOURCES DEPT.  
SALEM, OREGON

map of the Joe R. Swallow  
property, Sunny Valley, Oregon

RECEIVED

APR 30 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

APR 12 1979  
WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

JUL 19 1979

WATER RESOURCES DEPT  
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

point of diversion of water from Grave Creek

PURSUANT TO TRANSFER APPLICATION NO. 4196

I, J. R. Swallow, 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 7/15, 1979

7/17/79  
Date

J. R. Swallow  
Signature

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

ok  
Lig



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APR 22 1975

STATE ENGINEER  
SALEM, OREGON

RECEIVED

APR 30 1976

WATER RESOURCES DEPT  
SALEM, OREGON

RECEIVED

APR 12 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

APR 05 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

# Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Joe R. Swallow

(Name of applicant)

of Sunny Valley 97478, County of Josephine

(Postoffice)

State of Ore, do hereby make application for change Pt of Div

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

1. The source of present water right is Grave 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 NO NAME

4. The point of diversion is located 1700' ft. S and 200 ft. W from the W 1/4

(N. or S.)

(E. or W.)

corner of Sec 4 being within the SE 1/4 SE 1/4

(Section or subdivision)

of Section 5 Tp. 34 R. 4 W. M., in the County of Jose

(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
34	6	4											3.01					

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? 1954 (3-8-54)

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

(Yes or No)

of permit 22851

Please put the publication notice  
in the Grants Pass Courier



10. Do you hold a water right certificate? Yes If so, give number of certificate 21024  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

no

(Yes or No)

If so, give title of proceedings

12. Is the water right recorded in your name? no W C Binkley  
(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 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

(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 2500' S. and 1160' West 1/4 from the E corner of Sec 4 being within the SW 1/4 SW 1/4 of Section 4 Tp. 34S R. 6W W. M.,  
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)  
in the county of Jose The name of the ditch to be used is pump

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? no

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

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? no  
(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 To better utilize conserve

water by using a pump sprinklers

RECEIVED

RECEIVED



AFFIDAVIT OF APPLICANT

STATE OF OREGON,  
County of Josephine } ss.

I, Joseph R. Swallow, 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 15<sup>th</sup> day of April, 1975

Joseph R. Swallow  
(Name of applicant)

Subscribed and sworn to before me this 15<sup>th</sup> day of April, 1975.

[Notarial Seal]

Hazel M. Fisher  
NOTARY PUBLIC FOR OREGON

My commission expires 8-29-77

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.



W. C. Brinkley



Permit No. 22851





## STATE OF OREGON

## INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: April 20, 1979.FROM: \*\* Robert B. Steimer, Watermaster**RECEIVED****APR 23 1979****WATER RESOURCES DEPT.  
SALEM, OREGON**SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4196IN THE NAME OF Joe R. Swallow

In my opinion the proposed change in point of diversion from Grave Creek  
MAY BE MADE WITHOUT INJURY ~~to an existing water right~~\* 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 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*\*

Robert B. Steimer  
Watermaster's signature or initials



RECEIVED

MAY 08 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

LEGAL NOTICE

NOTICE OF WATER RIGHT  
TRANSFER APPLICATION #4196

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Joe R. Swallow for approval of a change in point of diversion of water from Grave Creek, pursuant to ORS 540.510 to 540.530.

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The authorized point of diversion for said right is located 1700 ft S & 200 ft W from the W $\frac{1}{4}$  Corner of Sec 4, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec 5, T 34S, R 6W, WM.

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 2500 ft. S & 1160 ft E from the W $\frac{1}{4}$  Corner of Sec 4, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec 4, T 34S, R 6W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse of Grants Pass, Oregon on June 14, 1979 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 Joe R. Swallow, 188 Dog Creek Rd, Sunny Valley, OR 97478; 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 Dept. upon request.

Dated at Salem, Oregon this 17th day of April, 1979.

James E. Sexson, Director  
No. 123—Mon.—April 23, 30 & May 7, 1979

AFFIDAVIT OF PUBLICATION

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. 4196, 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. - April 23, 30 & May 7, 1979

Subscribed and sworn to before me this 7th day of May, 19 79

St. Kathleen Zahner  
Notary Public of Oregon.

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