

Name Francis C. & Bernardine E.By Mc ConnellAddress PO Box 131 (1670 2nd Ave)Gold Hill, OR 97525

4482

DESCRIPTION OF WATER RIGHT

Name of stream Rogue RiverTrib. of _____ County of JacksonUse irrigationQuantity of water _____ No. of acres 1.3

Name of ditch _____

Date of priority April 21, 1924In name of Minnie Disbro

_____ Adjudication, Vol. _____, page _____

App. No. 9470 Per. No. 6588 Cert. No. 7620 ^{SRB}

Certificate cancelled _____

Notation made on record by _____

Change in PODDate filed April 23, 1980Date of hearing June 25, 1980Place of hearing MedfordDate of order 7-9-80 Vol. 33, page 423Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued SEP 4 1980 Vol. 43, page 49457 ⁹⁹MAR 21 19864954023 ^{CF}

REMARKS

FEES PAID

Date	Amount	Receipt No.
<u>4/23/80</u>	<u>85.00</u>	<u>17248</u>
TOTAL . . .		
	Cert. Fee	

Medford Mail Tribune #26.19 pd 5/30/80 ck# 4233

FEES REFUNDED

Date	Amount	Check No.
<u>5/30/80</u>	<u>23.81</u>	<u>4234</u>

EX 20-
 POD 15-
 PON 26.19
61.19

INDEX CARDS:

TO BE ENTERED WHEN CHECKED

☒	Name
☒	Stream
☒	Pt. of Div.
☒	Calendar
☐	Checked to RECORD
☐	Twp. & Rge.
☐	Decree-vault
☐	Decree-safe
☒	Cert. of W/R
☒	Per. Folder
☐	Chaindex
☐	Cross Ref.
☒	Power Claim
☐	Abstracts

Entered _____
 Checked _____
LCJ
LCJ
LCJ
SRB
SRB
SRB
SRB
SRB
LCJ

W.R.I.S.

Assembled 2-15-85 by SRB

Entered _____ by _____

Verified _____ by _____

McConnell
 all

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MINNIE DISBRO

of Gold Hill, State of Oregon 97525, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Rogue River

a tributary of Pacific Ocean for the purpose of irrigation of 6.2 acres

under Permit No. 6588 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 21, 1924; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.08 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 5 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 21, T. 36 S., R. 3 W., W.M.; S 76° W, 1300 feet from S $\frac{1}{4}$ Corner, Section 16.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

0.7 acre SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16
T. 36 S., R. 3 W., W.M. 5.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$

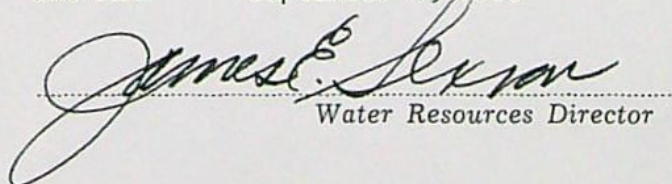
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 7620, Volume 7, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 9, 1980, approving transfer application No. 4482.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. September 4, 1980


Water Resources Director

ROGUE R
WF T-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. T000044821 PERMIT NO. 006588 CERTIF. NO.
ORIG. NO. A000094701 PREV. NO. A000094701 SUPER. NO.

NAME: FRANCIS F BERNARDINE MCCONNELL

ADDRESS: PO BOX 131

CITY/STATE/ZIP/COUNTY: GOLD HILL, OR 97525

15

STREAM-ID 15 1680

RIV. MI.

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

CANCEL YEAR--->

CONSTR. COMPLT---> 07181980

YR. LAST USED-----> _____

NEXT ACTION DUE---> _____

PRIORITY-----> 04 211924

PUT TO USE-----> 07181980

LAST TRANS. DATE---> _____

LAST TRANS. TYPE---> _____

APPLICATION---> 04 23 1980

SURVEYED-----> _____

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE---> 07091980

CONCURRENCE-----> _____

CYCLE STATUS-----> _____

REPORTED FLAG-----> _____

CONSTR. STRT.---> 07091980

CERTIFIED-----> _____

CORRES. INIT.-----> _____

CORRES. DATE-----> _____

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

RIV. MI.

RATE

STATUS S OR P

** REMARKS: - - - - -
** DATED--->

3605 030W 16 C C 15 1680

0.020

V

P

** POD: 120' N & 940' E PM SW COR
** S. 16. CHANGES POD PART OF
** C-7620. RRC-49457.

PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY

USE % CNSMTV ACRES

STATUS S OR P

3605 030W 16 C C 15 1R 100 130

V

P

49457

W.T.S.

APPROVED 2-15-85 J. SNA

EXAMINED _____

VERIFIED _____

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
FRANCIS C. & BERNARDINE E. MCCONNELL)
FOR APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4482

On April 23, 1980, an application was filed in the office of the Water Resources Director by Francis C. and Bernardine E. McConnell for approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 7620, Volume 7, State Record of Water Right Certificates, in the name of Minnie Disbro, describes a right which includes the use of not to exceed 0.02 cubic foot per second from Rogue River for irrigation of a certain 1.3 acres in SW 1/4 SW 1/4 of Section 16, Township 36 South, Range 3 West, W.M., with a date of priority of April 21, 1924.

The authorized point of diversion is located South 76° West, 1300 feet from the South Quarter Corner of Section 16, being within the NE 1/4 NW 1/4 of Section 21, Township 36 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 120 feet North and 940 feet East from the Southwest Corner of Section 16, being within the SW 1/4 SW 1/4 of Section 16, Township 36 South, Range 3 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of May 1, 8 and 15, 1980.

Mr. David C. Hendrix, 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:

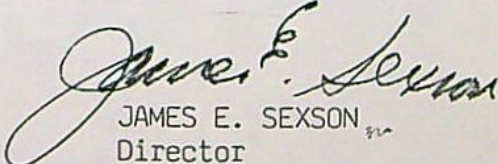
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1981.

It is FURTHER ORDERED that the certificate recorded at page 7620, Volume 7, 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 applicants herein.

Dated at Salem, Oregon this 9th day of July, 1980.


JAMES E. SEXSON
Director

INFO: THIS WATER RIGHT WAS SURVEYED IN NOV. 14, 1978 BY MEDFORD FIELD CREW, THEN IN THE PROCESS OF DRAFTING WE FOUND PART OF AP. 54395 COVERED BY ANOTHER WATER RIGHT (CERT 7620) SO MR. McCONNELL FILED A TRANSFER FOR CIPOD.

NAME: FRANCIS McCONNELL
P.O. BOX 131
GOLD HILL, OR 97525

SOURCE: ROGUE RIVER

SYSTEM: SAME AS AP. 54395 EXCEPT NEW PUMP AND BURIED ONCE ABOVE GROUND PVC

PUMP: 2 HP ELEC. @ 3450 RPM CENT. 2" x 1 1/2" DIRECT MOTOR

$$\begin{array}{r} @ 40 \text{ psi} \\ (2)(66) \\ \hline 76.2 + 35 = 0.118 \text{ cfs} \end{array}$$

SPRINKLER SYSTEM: PLASTIC 1 1/2" SUCTION PIPE BURIED MAIN SOLID SET ON MOST OF LAND.

MAINLINE: 300' - 2" PVC
700' - 1 1/4" PVC

LAT: 100' - 1" PVC
200' - 3/4" - GARDEN HOSE

@ 40 psi

SPRINKLERS: 13 RB30 - 5/32"
10 MAX

$$\begin{array}{r} (10)(3.8) \\ \hline 450 = 0.08 \text{ cfs} \end{array}$$

LIFT: 35'

USE: LAWN, GARDEN, TREES PASTURE

DIVERSION: DIRECT FROM ROGUE SAME AS AP. 54395

TIE: NW PROP. COR 5/8" I.P.I.N

SURVEYED ON: PTS-1978-14-D
INSPECTION

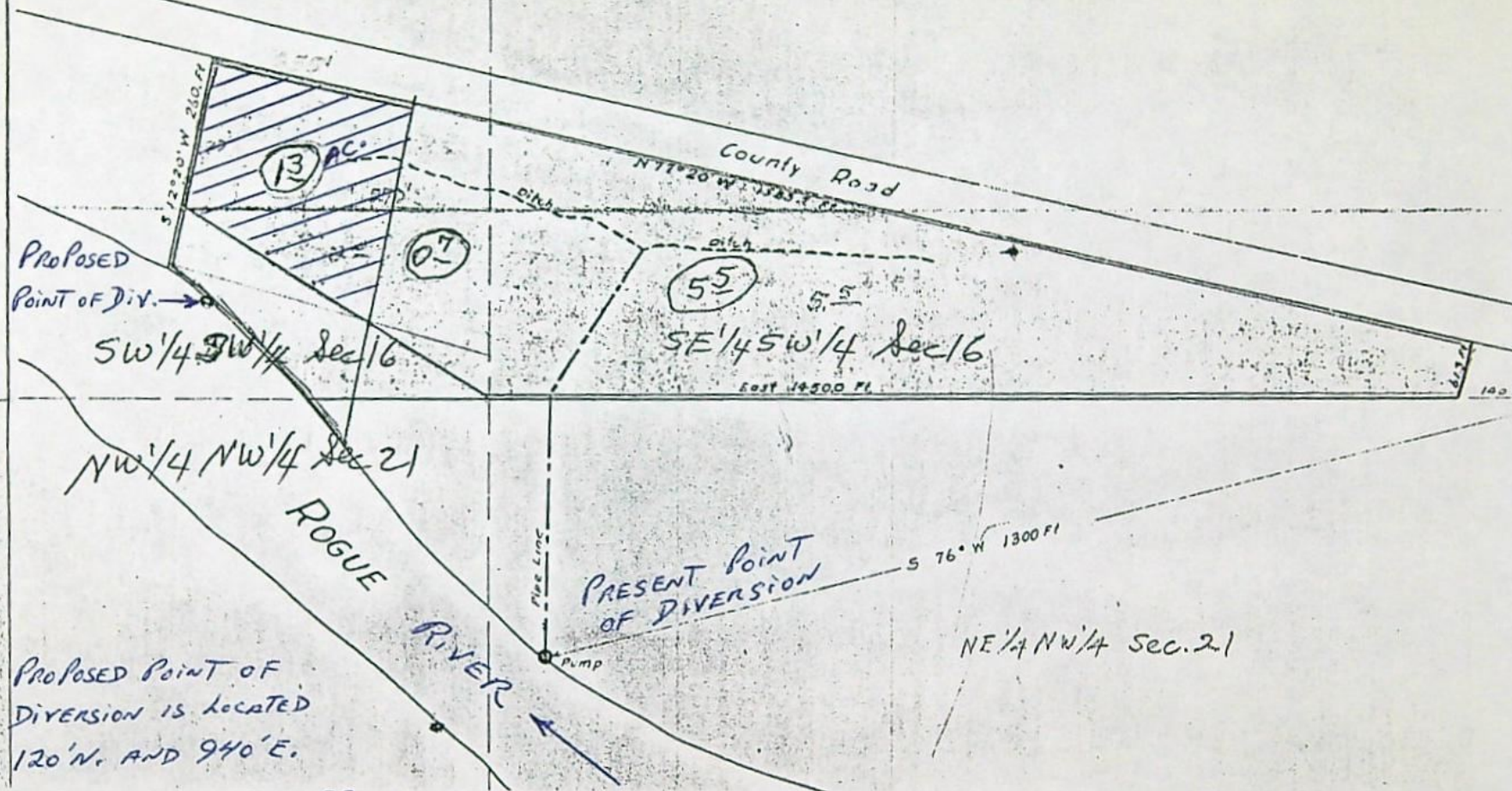
Bruce R. Lund

WATER RIGHTS EXAMINER

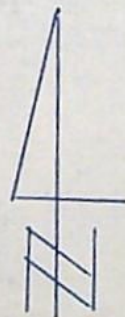
DATE: 10-27-81

~~Lot 5 Sec. 21~~ T 36S R 3W WM

Scale 1" = 200'



MAP TO ACCOMPANY APPLICATION
OF FRANCIS C. AND/OR BERNARDINE
E. McCONNELL FOR CHANGE IN
POINT OF DIVERSION ON PERMIT
6588 PRIORITY 4-21-1924



4-22-80

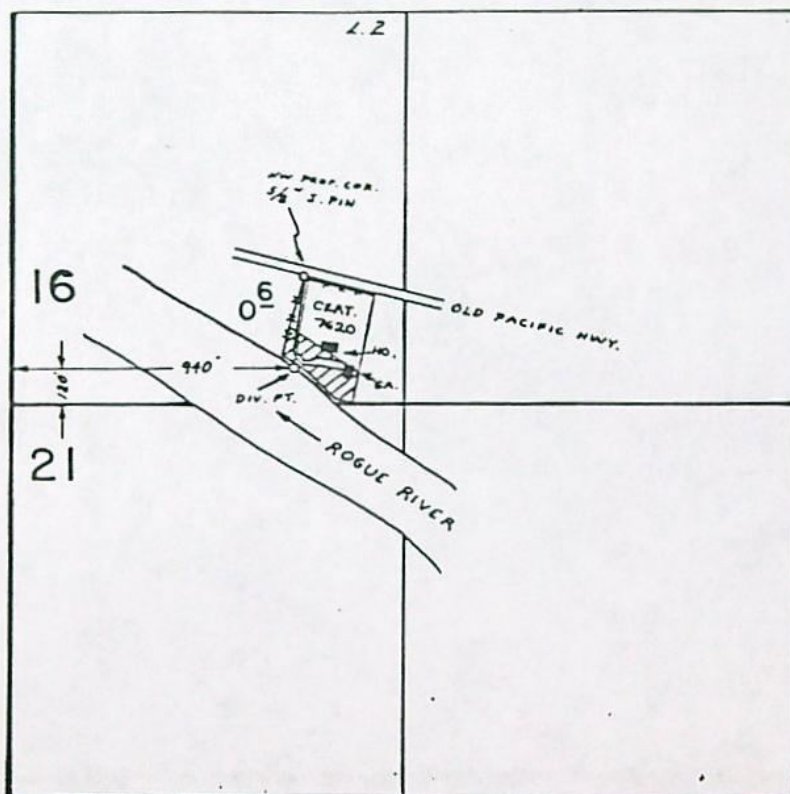
WATER RESOURCES DEPT
SALEM, OREGON

APR 22 1980

RECEIVED

Traced from print at ori.

T. 36 S., R. 3 W., W.M.



SCALE: 1" = 660 FT.

FINAL PROOF SURVEY
UNDER

Transfer no. 4482

Application No. 54395 Permit No. 40764
IN NAME OF

FRANCIS C. &/OR BERNADINE E. MC CONNELL

Surveyed NOV. 14 1978 by B. SUND

NOTICE OF COMPLETION OF CHANGE IN

point of diversion of water from Rogue River
PURSUANT TO TRANSFER APPLICATION NO. 4482

I, FRANCIS C. McCONNELL 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 July 18, 1980

July 18, 1980 Francis C. McConnell
Date Signature

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

ok
Dij

Application for Transfer of Water Right

RECEIVED
APR 23 1980
WATER RESOURCES DEPT
ALEX, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, FRANCIS C. & /or BERNARDINE E. McCONNELL
(Name of applicant)
of PO Box 131 (1670 2nd AVE.), GOLD HILL,
(Mailing address) (City)
State of OREGON, 97525, 855-7151, do hereby make application for change
(Zip Code) (Phone number)
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. Minnie Disbro.
(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 none
3. Was your water right acquired by Water Right Permit? Yes. If so, give number
(Yes or No)
of permit 6588..... Number of certificate 7620.....

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 Rogue River
5. What is the date of priority of your water right? April 21, 1924
6. The authorized point of diversion is located S. 76° W. 1300 feet
(N. or S.) (E. or W.)
from the S¼
corner of Sec. 16 being within the NE ¼ NW ¼ of Section 21 Tp. 36 S. R. 3 W. W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Jackson. The name of the ditch used is pump.

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

7. The proposed point of diversion is located 120 ft. N. and 940 ft. E. from the SW
(N. or S.) (E. or W.)
corner of 16 being within the SW ¼ SW ¼ of Section 16 Tp. 36 S. R. 3 W. W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Jackson. The name of the ditch to be used is pump.

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
36 S.	3 W.	16	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.3 acres

(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.?
(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)

JV 76-06754

76-07911

WARRANTY DEED-TENANTS BY ENTIRETY

KNOW ALL MEN BY THESE PRESENTS, That Soren M. Christensen and Ruby Marie Christensen

hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by FRANCIS C. MCCONNELL and BERNADINE E. MCCONNELL, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances therunto belonging or appertaining, situated in the County of Jackson, State of Oregon, described as follows, to-wit:

Beginning at a 5/8" iron pin on the south line of Section 16 in Township 35 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon, from which the quarter corner common to Sections 16 and 21, said Township and Range, bears South 3.43 feet and East 1475.00 feet; thence North 89°52'00" West, along the said south line of Section 16 a distance of 50.00 feet to a 5/8" iron pin witness corner; thence continue North 89°52'00" West 10.00 feet, more or less, to the average mean high waterline of the northerly Bank of the Rogue River; thence, along said average mean high waterline, North 49°30'23" West 215.86 feet; thence North 12°48'00" East 15.00 feet, more or less, to a 5/8" iron pin witness corner; thence continue North 12°48'00" East 259.42 feet to the southerly right of way line of the Old Pacific Highway and a 5/8" iron pin; thence along said southerly right of way line, South 76°58'30" East 249.67 feet to a 5/8" iron pin; thence South 12°48'00" West (record South 12°40' East) 380.00 feet to the true point of beginning.

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

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$17,500.00.

However, the actual consideration consists of or includes other property or value given or promised which is

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

In Witness whereof, the grantor has executed this instrument this 18th day of May, 1976; if a corporate grantor, it has caused its name to be signed and seal affixed by its officer, duly authorized thereto by order of its board of directors.

It appeared by a comparison of a signature and

STATE OF OREGON,

County of Jackson

May 18, 1976

Persons appeared the above named Soren M. Christensen and Ruby Marie Christensen

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

Notary Public for Oregon

My commission expires Sept. 15, 1978

Notary Public for Oregon

My commission expires Sept. 15, 1978

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Soren M. Christensen

Ruby Marie Christensen

STATE OF OREGON, County of Jackson

Personally appeared _____ who, being duly sworn,

each for himself and not one for the other, did say that the foregoing is the

president and that the latter is the secretary of

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

Before me:

Notary Public for Oregon

My commission expires:

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14. Reasons for the proposed changes are to better facilitate the use of water.

15. Construction work will be completed on or before October 1, 1980.

16. The water will be completely applied to the proposed use on or before October 1, 1981.

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, Francis C. and/or Bernardine E. McConnell, 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 18th day of April, 1980.

Francis C. McConnell

Bernardine E. McConnell
(Name of applicant)

Subscribed and sworn to before me this 18th day of April, 1980.

[Notarial Seal]

Phyllis Gilman
NOTARY PUBLIC FOR OREGON

My commission expires 3-17-81



Water Resources Department

JACKSON COUNTY COURTHOUSE, MEDFORD, OREGON 97501 PHONE 776-7056

April 22, 1980

RECEIVED

APR 23 1980

WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Department
Mill Creek Office Park
Salem, Oregon 97310

Attention: Mr. Sam Allison, Supervisor
Transfer Section

Dear Mr. Allison:

I am enclosing herewith a transfer application in the names of Francis C. and/or Bernardine E. McConnell, with mailing address of P. O. Box 131, (1670 2nd Avenue) Gold Hill, Oregon 97525, for a change in point of diversion of water from Rogue River, together with their check in the sum of \$85 to cover transfer and advertising fees, the necessary map and legal land description.

It is my opinion that this proposed change in point of diversion may be made without injury to existing rights; also I believe the second provision relative to pumping plants would be the best to incorporate within the order.

The applicants have requested that the advertising notices be placed in the Medford "Mail Tribune", Medford, Oregon 97501.

Very truly yours,

John F. Cummins
John F. Cummins
Assistant Water Master,
District 13

JFC:pg

**NOTICE OF WATER RIGHT TRANSFER
APPLICATION NO. 4482**

The Water Resources Director of Oregon has received and filed an application by Francis C. & Bernardine E. McConnell for approval, without loss of priority, of a change in point of diversion under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 7620, Volume 7, State Record of Water Right Certificates, in the name of Minnie Disbro, and is for the use of not to exceed 0.02 cubic foot per second from Rogue River, under a priority date of April 21, 1924, for irrigation of a certain 1.3 ac in SW 1/4 SW 1/4 of Sec 16, T 36S, R 3W, WM.

The authorized point of diversion is located S 76° W 1300 ft from the S 1/4 Corner of Sec 16, being within the NE 1/4 NW 1/4 of Sec 21, T 36S, R 3W, WM.

The applicants propose to change the point of diversion therefrom to a point located 120 ft N & 940 ft E from the SW Corner of Sec 16, being within the SW 1/4 SW 1/4 of Sec 16, T 36S, R 3W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Wednesday, June 25, 1980 at the Jackson County Courthouse, Medford, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicants at PO Box 131, Gold Hill, OR 97525; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICANT MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 24th day of April, 1980.

James E. Sexson,
Director

OK
SRA
OK

RECEIVED

Affidavit of Publication MAY 10 1980

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon,
County of Jackson

ss.

1. Lynn Smith, being first duly

sworn, depose and say that I am the.....
(OWNER, EDITOR, PUBLISHER, MANAGER.)

Principal Clerk

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state;

that the Notice of Water Right Transfer #4482

....., 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 May 1, 8, 15, 1980
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Subscribed and sworn to before me this 15th day of May, 1980

James J. Osborn
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981