

Tishon

ASSIGNED

Name JOHN W. & ALLETTA R. BYRON
By _____
Address 4588 Humbug Creek Road
Applegate, OR 97530

Date filed June 26, 1973

Priority June 26, 1973

Action suspended until See 7-1-81 TS

Return to applicant _____

Date of approval October 9, 1975

CONSTRUCTION

Date for beginning October 9, 1976

Date for completion October 1, 1977

Extended to _____

Date for application of water October 1, 1978

Extended to _____

PROSECUTION OF WORK

Form "A" filed Dec 30, 1976

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed JUN 2 1981

Proof received JUL 3 1981

Date certificate issued JUL 3 1981

Application No. 50746

Permit No. 38326

Certificate No. 50025

DVA Notification

Stream Index, Page No. 15-16U

See File # G-7726

SCANNED

JUN 05 2026

FEES PAID

Date 6-26-73 Amount 30.00 Receipt No. 35081

\$1 Cert. Fee

FEES REFUNDED

Date _____ Amount _____ Check No. _____

ASSIGNMENTS

Date	ASSIGNED To Whom	Address OR 97530	Volume	Page
2-26-76	<u>Brett Pollastrini</u>	<u>4588 Humbug Cr. Rd. Jacksonville</u>	<u>5</u>	<u>799</u>
9-23-76	<u>Ronald Yarbrough</u>	<u>4588 Humbug Cr. Rd. Jacksonville</u>	<u>6</u>	<u>56</u>

REMARKS

0.045 c.f.s. from a spring (Applegate River) for domestic use for one family and irrigation of 3.5 acres, being 0.005 c.f.s. for domestic and 0.04 c.f.s. for irrigation

Card for A DEC 13 1976

Card for B OCT 10 1977

Card for C OCT 25 1978

Survey Regardless

W.R.I.S.

Assembled 3-27-85 by [Signature]
Entered _____ by _____
Verified _____ by _____

Form A

NOTICE OF BEGINNING OF CONSTRUCTION

Application No. 50746
50746

I, RONALD M. YARBROUGH, the holder of Permit No. 38326

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 3 day of SEPTEMBER, 1976

Remarks: BARRIED 800' OF PIPELINE FOR IRRIGATION

The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed

BEGAN EXCAVATION ON SPRING BOX

up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 1 day of OCTOBER, 1976

Ronald M. Yarbrough
(Signature of Applicant)

4588 HUMBURG CK. RD. PERSONVILLE,
(Address)

OK 97530

Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when construction work is begun.

RECEIVED
D 10 1976
WATER RESOURCES DEPT
Salem Oregon

50746 MB

STATE OF OREGON

COUNTY OF JACKSON

Proof of Appropriation of Water

RONALD YARBROUGH

RECEIVED JUN 22 1981 WATER RESOURCES DEPT SALEM, OREGON

of 4588 Humbug Creek Road, Jacksonville, State of Oregon 97530, has applied beneficially the waters of a spring

a tributary of Humbug Creek Drainage for the purpose of irrigation of 3.5 acres

under Permit No. 38326 and that the use of said waters has been completed under the terms of said permit; that the priority of the right dates from

June 26, 1973 that the amount of water for the purposes aforesaid, has been actually beneficially used in the amount of

0.04 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 SE 1/4 SE 1/4, Section 35, T37S, R4W, WM; 280 feet North and 450 feet West from SE corner, Section 35.

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, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

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, and to which such right is appurtenant, is as follows:

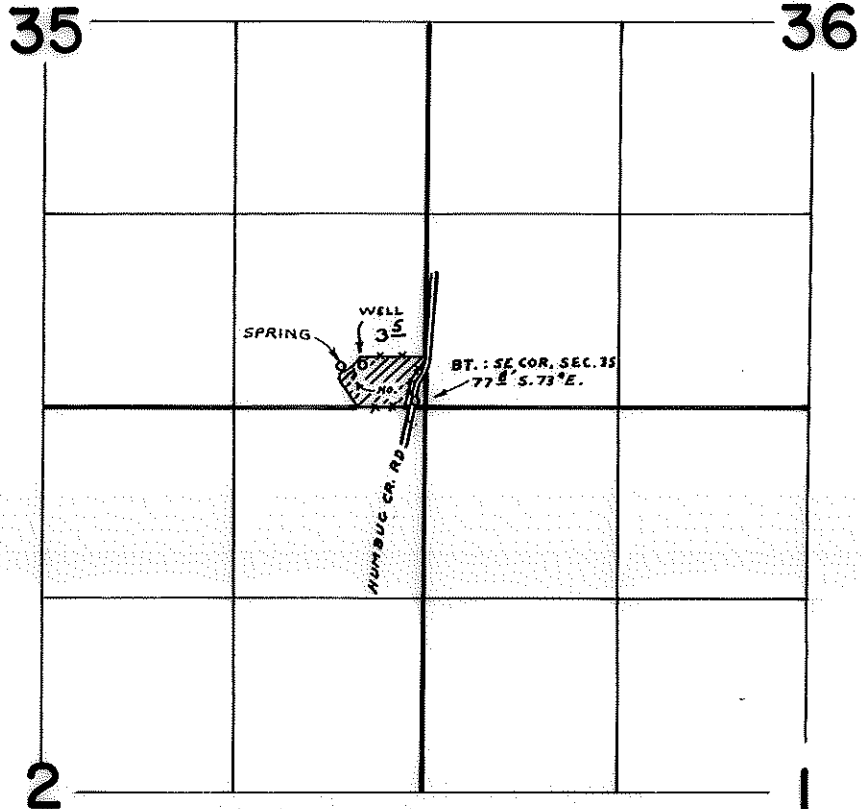
3.5 acres SE 1/4 SE 1/4 Section 35 Township 37 South, Range 4 West, WM

I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 19 day of JUNE, 1981.

[Handwritten signature of Ronald Yarbrough]

T.37&38 S., R.4 W., W.M.



WELL LOC. : 280' N. & 450' W. FROM SE COR. SEC. 35

SPRING LOC. : 280' N. & 580' W. FROM SE COR. SEC. 35

FINAL PROOF SURVEY
UNDER

Application No. 50746 Permit No. 38326 PRIMARY
G-7726 G-7173 SUPPL.
IN NAME OF

RONALD YARBROUGH

Surveyed JUL. 10 1978, by B. SUND
APR. 5 1979



NOTICE OF INTEREST IN WATER RIGHT

Department of Veterans' Affairs

TO: Director of Water Resources 3850 Portland Road N.E. Salem, Oregon 97310	DATE SENT TO WATER RESOURCES 4/85	DATE REC'D BY WATER RESOURCES RECEIVED MAR 14 1986 WATER RESOURCES DEPT. SALEM, OREGON
	DATE RETURNED TO DVA	

This is to notify you of an interest in the following described water right:

LOAN NUMBER P07896	FIELD OFFICE MO	COUNTY JACKSON	ACREAGE IRRIGATED: ORIGINAL APPRAISAL _____ ACTUAL _____
NAME OF BORROWER (LAST, FIRST, M.I.) Yarbrough, Ronald M.			
MAILING ADDRESS			
COMMENTS			

Completed by DVA

PROPERTY AND WATER RIGHT INFORMATION			
TOWNSHIP	37 S		
RANGE	4 W		
SECTION	35		

Completed by WATER RESOURCES	APPLICATION	NUMBER:	50746	E 7726	
	PERMIT	NUMBER: ACRES: STATUS:	38326	E 7173	
	CERTIFICATE	NUMBER: ACRES:	50025 3.5 Ac	50024 3.5 Ac	
	IRRIGATION DISTRICT	NUMBER:	PRIM	Supp	
	DOMESTIC WATER	NUMBER:			
COMMENTS					
3-1986 DM					

The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above-described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon 97310 Attention: Butch Gehley, Operations Compliance Manager.

Attachments:

- Legal Descriptions
 Plat Maps
 Please return copy to ODVA

Water Resources Department

The completed assignment must be submitted to the ~~State Engineer~~, 1178 Chemeketa St., N.E., Salem, Oregon 97310, together with a recording fee of \$2.00.

RECEIVED
SEP 23 1976
WATER RESOURCES DEPT
SALEM, OREGON

9-23-76
2.00
Rec 56153

7955

MVB

Abstract of Permit No. 38326

ASSIGNED

Application No. 50746

Certificate No.

Name John W. &/or Alletta R. Byron
Address 4588 Humbug Creek Road
Applegate, Oregon 97530

Ronald Yarbrough
4588 Humbug Cr Rd
Jacksonville OR 97530

Source of water supply A spring, trib., Humbug Creek Drainage

Use Domestic use for one family, and irrigation of 3.5 acres

Point of diversion 150'N & 570'W from SE c. s.35, being within SE $\frac{1}{2}$ SE $\frac{1}{2}$ s.35, T.37 S., R.4 W.,
W.M.; Jackson County

Number of acres 3.5

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
37 S	4 W	35		SE $\frac{1}{4}$	SE $\frac{1}{4}$													DOM 3.5	

Priority date June 26, 1973

Amount of water ^{0.04} ~~0.045~~ c.f.s., being ~~0.005~~ c.f.s. for domestic, and 0.04 c.f.s. for irrigation

Time limit to begin construction 10-9-76

Time limit to complete construction 10-1-77 extended to extended to

Time limit to completely apply water 10-1-78 extended to extended to

Remarks: Limitations: 1/80th c.f.s., 4 $\frac{1}{2}$ a.f.

4-5-79 BRS
P75-1978-14-A

cgm

Humbug Cr & Misc

Basin 15, Volume 6A

INFO: MR YARBROUGH, DO NOT USE SPRING FOR DOMESTIC USE BUT
WHEN THERE IS WATER HE USES IT FOR IRRIGATION. THIS IS
A GRAVITY SYSTEM.

GRAVITY FLOW: 2" VALVE AT SPRING TO REGULATE WATER FLOOD IRRIGATE.

PIPE: 200' - 2" - PLASTIC
ALSO USE PIPE FROM WELL # G-7726.

LIFT: -25'

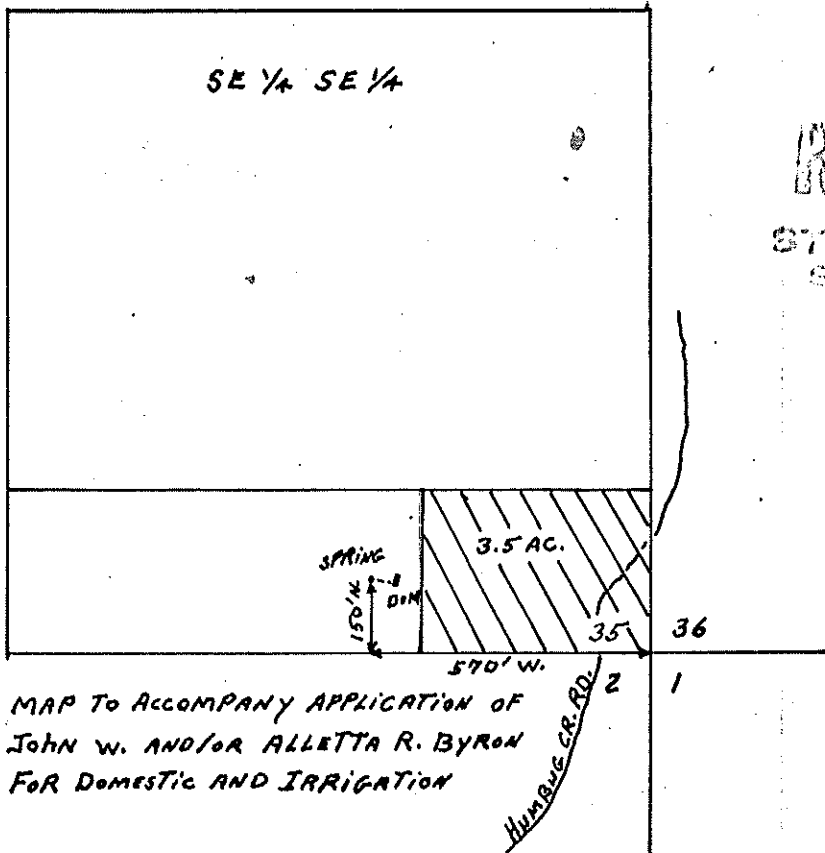
USE: PRIMARY IRRIGATION

TIE: PTS-1978-14-A.

Donal R. Sumel
F.E. 4-5-79

NOTE: SPRING IS ON A DRYING CYCLE AND MUST
BE SUPPLEMENTED BY WELL

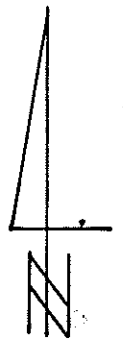
T. 37S. R. 4W. W. M.



RECEIVED
JUN 26 1971
STATE ENGINEER
SALEM OREGON

MAP TO ACCOMPANY APPLICATION OF
JOHN W. AND/OR ALLETTA R. BYRON
FOR DOMESTIC AND IRRIGATION

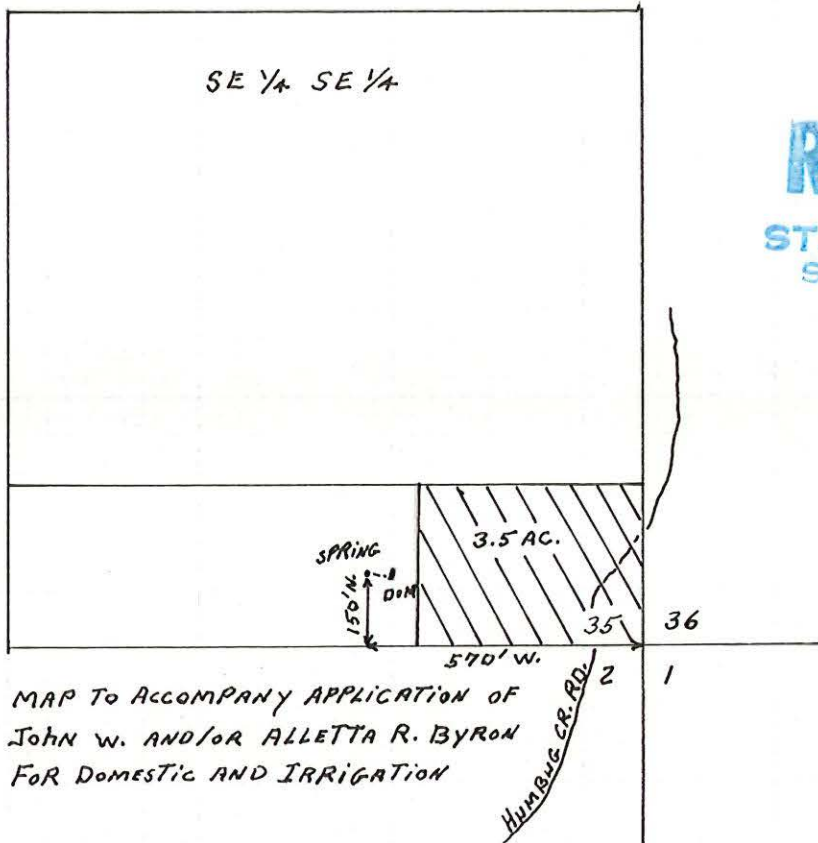
SCALE 1" = 400'



6-21-73

Application No. 50746
Permit No. 38326

T. 37S. R. 4 W. W. M.



RECEIVED
JUN 26 1973
STATE ENGINEER
SALEM OREGON

MAP TO ACCOMPANY APPLICATION OF
JOHN W. AND/OR ALLETTA R. BYRON
FOR DOMESTIC AND IRRIGATION

SCALE 1" = 400'



6-21-73

Application No. 50746
Permit No. 38326

Director, Water Resources Department

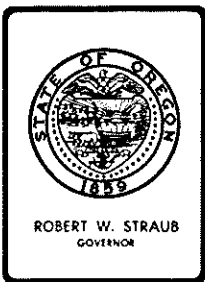
The completed assignment must be submitted to the ~~State Engineer~~, 1178 Chemeketa St., N.E., Salem, Oregon 97310, together with a recording fee of \$2.00.

*Please send this back to us at Humbug Cr.
as soon as possible - Thank you*

5010

*\$2.00
2-26-76
Rec. 51585*

RECEIVED
FEB 26 1976
WATER RESOURCES DEPT.
SALEM, OREGON



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508

G-7726
50746

June 23, 1978

Ronald Yarbrough
4588 Humbug Creek Road
Jacksonville, Oregon 97530

Dear Mr. Yarbrough:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under permit number G-7173.

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date.

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

In the meantime, the permit which you hold will be valid evidence of the water right in question so long as you continue to use the water.

Our records show that permit numbered 38326 is also in your name. This is for an appropriation of 0.005 cubic foot of water per second for domestic use for one family and 0.04 cubic foot of water per second for irrigation of 3.5 acres from a spring.

Under the terms of this permit, construction was to be completed by October 1, 1977, and complete application of water is to be made by October 1, 1978. We have not received notice that either of these phases have been completed. Enclosed are Form B and C for reporting when these are completed.

Sincerely,

Larry Toll
Water Rights Engineer

LT:slk

cc: David C. Hendrix, Watermaster; Dist. #13

October 13, 1976

50746

Ronald Yarbrough
4588 Humbug Cr. Rd.
Jacksonville, OR 97530

Dear Mr. Yarbrough:

The assignment of permit No. 38326 from Brett Pollastrini to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly and the original is enclosed along with our receipt No. 56153, covering the recording fee of \$2.00 you submitted.

Under the terms of this permit, a substantial beginning of construction of the project was to have been made on or before October 9, 1976. The construction of the project is to be completed by October 1, 1977 and water used by October 1, 1978. Please advise us as to the progress of the project.

In the event forms were not given to you for reporting this information, I have enclosed Forms A, B, and C for your use.

Sincerely,

Thomas E. Shook
Water Rights Engineer

TS:db
Enclosures

March 1, 1976

50746

Brett Pollastrini
4588 Humbug Creek Road
Jacksonville, OR 97530

Dear Mr. Pollastrini:

The assignment of Permit No. 38326 from John W. and Alletta R. Byron to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly and the original is enclosed along with our receipt No. 51585 covering the recording fees of \$2.00 you submitted.

Sincerely,

Robert G. Mucken
Water Rights Engineer

RM:db
Enclosures

Also enclosed is the original permit. It should be kept for your records as evidence of your water right.



WATER RESOURCES DEPARTMENT

JACKSON COUNTY COURTHOUSE • MEDFORD, OR • 97501 • Phone 773-6211

November 4, 1975

Re: File 50746

ROBERT W. STRAUB
GOVERNOR

JAMES E. SEXSON
Director

WATER POLICY REVIEW
BOARD

EMERY N. CASTLE
Chairman
Corvallis

CHAPIN D. CLARK
Vice Chairman
Eugene

GEORGE H. PROCTOR
Klamath Falls

ANN W. SQUIER
Portland

RICHARD ROY
Portland

JAMES HILL
Arch Cape

JEAN FROST
Portland

Mr. James E. Sexson, Director
Water Resources Department
Salem, Oregon 97310

Attention: Mr. Trevor Jones, Assistant

Dear Mr. Jones:

With reference to your interoffice memo dated October 27, 1975, concerning the owner of the property to which this application pertains.

Please be advised that John W. and/or Alletta R. Byron have sold the property in question to Brett H. Pollastrini and his address is the same, or 4588 Humbug Creek Road, Jacksonville, Oregon 97530. The Byrons live somewhere in southern California and Mr. Pollastrini is attempting to get an assignment of this right. If he is successful, we will send same to you, otherwise we will have him refile.

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, District 13

DCH:pg

RECEIVED

NOV - 5 1975

WATER RESOURCES DEPT.
SALEM, OREGON

October 16, 1975

John W. & Alletta R. Byron
4588 Humbug Creek Road
Applegate, OR 97530

50746

38326 with map

50746

September 11, 1973

John W. & Alletta R. Byron
4588 Humbug Creek Road
Applegate, OR 97530

Dear Mr. and Mrs. Byron:

This will acknowledge your application for a permit to appropriate 0.05 cubic foot of water per second from a spring for domestic use for one family and for the irrigation of 3.5 acres, being 0.01 cubic foot of water per second for domestic use and 0.04 cubic foot of water per second for irrigation use. A reproducible map, a description of spring sheet, legal description, and fees in the amount of \$30.00 were also received. Our receipt No. 35081 is enclosed.

Your application has been filed and numbered 50746 and is in satisfactory form for approval by the issuance of a permit.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJD:mjf
Enclosure

cc: David C. Hendrix

JOHN W. AND ALLETTA R. BYRON

WARRANTY DEED

OREGON TITLE INSURANCE CO., Medford, Oregon

69-100-10

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KNOW ALL MEN BY THESE PRESENTS, That CLYDE E. ROSSON and ALBERTA C. ROSSON, husband and wife, also known as Alberta Rosson, grantor^s in consideration of Ten and 00/100ths Dollars, to them paid by JAMES L. KELLEY and LEAH A. KELLEY, husband and wife, grantee^s do hereby grant, bargain, sell and convey unto the said grantee^s their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Jackson and State of Oregon, bounded and described as follows, to-wit:

Beginning at the Southeast corner of Section 35, Township 37 South, Range 4 West of the Willamette Meridian, Jackson County, Oregon; thence North along the East boundary of Section 35, 330 feet; thence at a right angle to said East boundary, West 1320 feet to the West boundary of the Southeast quarter of the Southeast quarter of said Section 35; thence South 330 feet, more or less, to the Southwest corner of the Southeast quarter of the Southeast quarter of Section 35; thence East along the South boundary of said Section 35, 1320 feet to the point of beginning.

SUBJECT TO:

1. The rights of the public in and to that portion of the herein described premises lying within the limits of public roads.

RECEIVED
JUN 26 1973
STATE ENGINEER
SALEM OREGON

3740-11601

2070-61459

40-1

To Have and to Hold the above described and granted premises unto the said grantee^s, their heirs and assigns forever.
And the grantor^s do covenant that they lawfully seized in fee simple of the above granted premises free from all incumbrances, except as heretofore mentioned and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.
Witness our hand^s and seal^s this 15th day of Nov., 1965.

STATE OF OREGON,

County of Jackson ss.

On this 15th day of Nov., 1965, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Clyde E. Rosson and Alberta C. Rosson, husband and wife, also known as Alberta Rosson, who are known to me to be the identical individual^s described in and who executed the within and acknowledged to me that they executed the same freely and voluntarily.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Roberta E. Davidson
Notary Public for Oregon
My Commission expires 8-18-68

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69-100-10
WARRANTY DEED

TO

STATE OF OREGON,
County of Jackson ss.
I certify that the within instrument was received for record on the 15th day of October, 1969, at 4:11 o'clock P.M. and recorded in Book 97551 of said County.

Witness my hand and seal of County, affixed
C. W. Anderson
Notary Public for Oregon

OREGON TITLE INSURANCE CO.
Mr. Mike Dennis & Kelly
2366 Oregon
Medford Oregon 97501

Application No. 50746
Permit No.

10-24-69

Application No. _____

DESCRIPTION OF SPRING

1. Is spring on property of applicant? Yes.
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 30 g.p.m.
(Gallons per minute or
_____ cubic feet per second)
What is the minimum flow? 15 g.p.m.
Is flow measured or estimated? Estimated.
6. Does the stream flowing from spring form a well defined natural channel? Yes.
7. Does the water flow off the lands on which it first arises? Yes.
8. Give the name of the stream or other body of water into which water from the spring flows. None.
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing. 500 feet.
10. Remarks spring will be developed with cement or plastic catch basin.

John W. Byron
Alexandra R. Byron

Signature of Applicant

Application No. 50746
Permit No.

RECEIVED
JUN 26 1973
STATE ENGINEER
SALEM OREGON



**STATE
ENGINEER**

RECEIVED
JUN 26 1973
STATE ENGINEER
SALEM OREGON

WATER RESOURCES DEPARTMENT

JACKSON COUNTY COURTHOUSE • MEDFORD, OREGON • 97501 • Ph. 773-6211

June 25, 1973

TOM McCALL
GOVERNOR

CHRIS L. WHEELER
State Engineer

FILE NO.

Mr. Chris L. Wheeler
State Engineer
Salem, Oregon

Attention: Mr. Trevor Jones, Assistant

Dear Mr. Jones:

I am enclosing herewith an application in the names of John W. and/or Alletta R. Byron of 4588 Humbug Creek Road, Applegate, Oregon 97530, for a permit to appropriate water from a spring, tributary of the Humbug Creek drainage, for domestic and irrigation purposes, together with their personal check in the sum of \$30 to cover filing fees, the necessary map tracing, legal land description and spring description form.

The applicants have been advised of the policy of the State Water Resources Board in regard to Rogue River and its tributaries.

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, Dist. 13

DCH:pg

enclosures (5)

Application No. 50746
Permit No.