

**CANCELLED**

Superseded by  
Ord. No. 29579

STATE OF OREGON

COUNTY OF JACKSON

**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That Fryer Ditch Association**

of **Eagle Point**, State of **Oregon**, has a right to the use of

the waters of **Little Butte Creek**

for the purpose of **Irrigation of 96.85 acres**

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for **Jackson** County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume **14**, at page **198**; that the priority of the right thereby confirmed dates from **See below**;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **2.43 cubic feet per second**; measured at the head of the ditch or the point where the same leaves the natural stream, from April 1st to October 1st of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

<u>Date of Priority</u>	<u>Quantity of Water in c.f.s.</u>	<u>No. of Acres</u>	<u>Place of Use</u>
1885	0.08	3	(Tract 1 - Gus Nichols Tract 2 - Merrit Brown) 3.00 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, T. 36 S., R. 1 W., W. M.
Jan. 31, 1870	0.35	15.1	(Tract 3 - Gladius F. Pearce) 1.45 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Tract 4 - Gladius F. Pearce) 4.42 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Tract 5 - Gladius F. Pearce) 0.50 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Tract 6 - Gladius F. Pearce) 0.25 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Tract 7 - Mrs. Arglee Green) 3.59 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Tract 8 - Mrs. Arglee Green) 1.93 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Tract 9 - Mrs. Arglee Green) 0.85 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Tract 10 - Clara Young) 0.25 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Tract 11 - Dave Cingcade) 0.70 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Tract 12 - Dolly Mathews) 0.23 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ (Tract 13 - F. Ayers) 0.46 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ (Tract 14 - F. Ayers) 0.20 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$

*Note: This certificate superseded by Cert. 29579 pursuant to Order of State Engineer recorded 5/1 or Record Vol. 1199 423*

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<u>Date of Priority</u>	<u>Quantity of Water in c.f.s.</u>	<u>No. of acres</u>	<u>Place of Use</u>
Jan. 31, 1870			(Tract 15 - Mrs. Arglee Green) 0.27 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ All in Section 3, T. 36 S., R. 1 W., W. M.
Jan. 31, 1870	0.25	10 ✓	(Tract 16 - A. A. Newman) 10.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T. 36 S., R. 1 W., W. M.
1908	0.48	19.3 ✓	(Tract 16 - A. A. Newman) 13.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$  (Tract 17 - A. C. Mittelstaedt) 2.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$  (Tract 18 - A. C. Mittelstaedt) 0.8 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ All in Section 3, T. 36 S., R. 1 W., W. M.
1907	0.13	5 ✓	(Tract 19 - J. F. Brown 5.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Tract 20 - Geo. Brown Est. Section 3, Tract 21 - Wm. Von der Hellen T. 36 S., R. 1 W., W. M. Tract 22 - J. A. Miller Tract 23 - T. F. Nichols Tract 24 - W. H. Brown Tract 25 - R. S. Brown Tract 26 - Cecelia Holmes Tract 27 - J. B. Rader)
Jan. 31, 1870	0.3	12 ✓	(Tract 28 - Fred Thompson) 1.0 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Tract 29 - A. H. Thompson) 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Tract 30 - Geo. Lewis) 9.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T. 36 S., R. 1 W., W. M.
1908	0.05	2 ✓	(Tract 30 - Geo. Lewis) 2.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T. 36 S., R. 1 W., W. M.
Jan. 31, 1870	0.04	1.3 ✓	(Tract 31 - Gladius F. Pearce) 0.4 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Clarence P. Henderson) 0.7 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.2 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T. 36 S., R. 1 W., W. M.
Jan. 31, 1870	0.13	5 ✓	(Tract 32 - A. R. McDonald) 5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T. 36 S., R. 1 W., W. M.
Jan. 31, 1870	0.13	5 ✓	(Tract 33 - Ira Grove 5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Tract 34 - Grace Dahack NW $\frac{1}{4}$ SW $\frac{1}{4}$ Tract 35 - W. W. Taylor and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Tract 36 - Ira Grove Section 3, Tract 37 - Tom Cingcade) T. 36 S., R. 1 W., W. M.
Jan. 31, 1870	0.05	2 ✓	(Tract 38 - O. M. Goss) 2.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T. 36 S., R. 1 W., W. M.

Jan. 31 0.01 0.54  
1870

(Tract 38 - O. M. Goss )  
now Block 2, Fryer's Add'n to Eagle Point

0.54 acre, being:

Richard C. & Helen M. Wolgamott

0.32 acre within  
Lots 1 & 2 and adjacent  
portion of 9th Street,  
Block 2, Fryer's Add'n  
to Eagle Point, appurte-  
nant to:

0.14 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$

0.18 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 3

T. 36 S., R. 1 W., W.M.

Lawrence D. & Rose Marie Davis

0.22 acre within Lot  
and adjoining portion of  
alley along northwest  
edge, Block 2, Fryer's  
Add'n to Eagle Point,  
appurtenant to:

0.03 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$

0.19 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 3

T. 36 S., R. 1 W., W.M.

<u>Date of Priority</u>	<u>Quantity of Water in c.f.s.</u>	<u>No. of Acres</u>	<u>Place of Use</u>
Jan. 31, 1870	0.03	1	(Tract 39 - Walter A. Wood) 1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T. 36 S., R. 1 W., W. M.
1908	0.41	16.25	(Tract 40 - Wm. Lewis) 1.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ (Tract 41 - Geo. Phillips) 0.9 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ (Tract 42 - Ada Matthews) 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Tract 43 - Catholic Church) 0.4 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ (Tract 44 - E. Clark) 0.5 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Tract 45 - Jackson County) 1.15 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Tract 46 - Jackson County) 0.5 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Tract 47 - Jackson County) 0.7 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ (Tract 48 - Mrs. Arglee Green) 0.5 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Tract 49 - Faye J. Hall) 6.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Clarence P. Henderson) 0.4 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T. 36 S., R. 1 W., W. M.

**NOTE:**

This certificate is issued to define the water right remaining appurtenant to Tract No. 38, (now designated Block 2, Fryer's Addition to Eagle Point), as determined by an order of the State Engineer entered February 23, 1962 pursuant to the provisions of ORS 540.641, and supersedes certificate of water right heretofore issued to the Fryer Ditch Association on December 6, 1961, recorded at page 29168, volume 21, State Record of Water Right Certificates.

*And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.*

WITNESS the signature of the State Engineer, affixed

this 6th day of December, 19 61.

LEWIS A. STANLEY

State Engineer