

2222 Leo V. & Lelia M. Forts
2032 2nd Ave.
Gold Hill, Ore. 97525

2383

STATUS OF APPLICATION

Change in Point of Diversion
Date filed May 20, 1970
Date of hearing July 22, 1970
Place of hearing Medford, Oregon
Date of order 12-30-70 Vol. 20, page 307
Date for application of water 10-1-71
Proof mailed _____
Proof received 11-3-72 30 38656
Certificate issued FEB 26 1971 Vol. 29, page 37375
JAN 18 1977 Vol. 36 pg. 44080
APR 15 1977
To Summary

DESCRIPTION OF WATER RIGHT

Name of stream Rogue River
Trib. of - County of Jackson
Use Irrigation
Quantity of water 0.02 cfs No. of acres 0.9
Name of ditch -
Date of priority March 16, 1928
In name of Soren M. Christenson
Adjudication, Vol. _____, page _____
App. No. 11985 Per. No. 8386 Cert. No. 8249
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>5/20/70</u>	<u>25.00</u>	<u>18742</u>
<u>5/20/70</u>	<u>35.00 PN</u>	<u>18743</u>
TOTAL . . .		
<u>6-16-70</u>	<u>\$2</u> \$1 Cert. Fee	<u>From Pub. of Mt.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>6-16-70</u>	<u>\$8.19 Pub. of Mt.</u>	<u>3666</u>

REMARKS

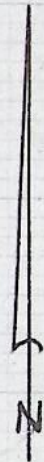
See transfer # B-126

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	<input checked="" type="checkbox"/> Name	<u>slu</u>	<u>---</u>
	<input checked="" type="checkbox"/> Stream	<u>slu</u>	<u>---</u>
	<input type="checkbox"/> Pt. of Div.	<u>---</u>	<u>---</u>
	<input checked="" type="checkbox"/> Calendar	<u>slu</u>	<u>---</u>
	CHECKED TO RECORDS:		
	<input checked="" type="checkbox"/> Twp. & Rge.	<u>slu</u>	<u>---</u>
	<input type="checkbox"/> Decree-vault	<u>---</u>	<u>---</u>
	<input type="checkbox"/> Decree-safe	<u>---</u>	<u>---</u>
	<input checked="" type="checkbox"/> Cert. of W/R	<u>slu</u>	<u>---</u>
	<input checked="" type="checkbox"/> Per. Folder	<u>slu</u>	<u>---</u>
		<input type="checkbox"/> Chainindex	<u>---</u>
		<input type="checkbox"/> Cross Ref.	<u>---</u>
		<input type="checkbox"/> Power Claim	<u>---</u>
		<input type="checkbox"/> Abstracts	<u>---</u>

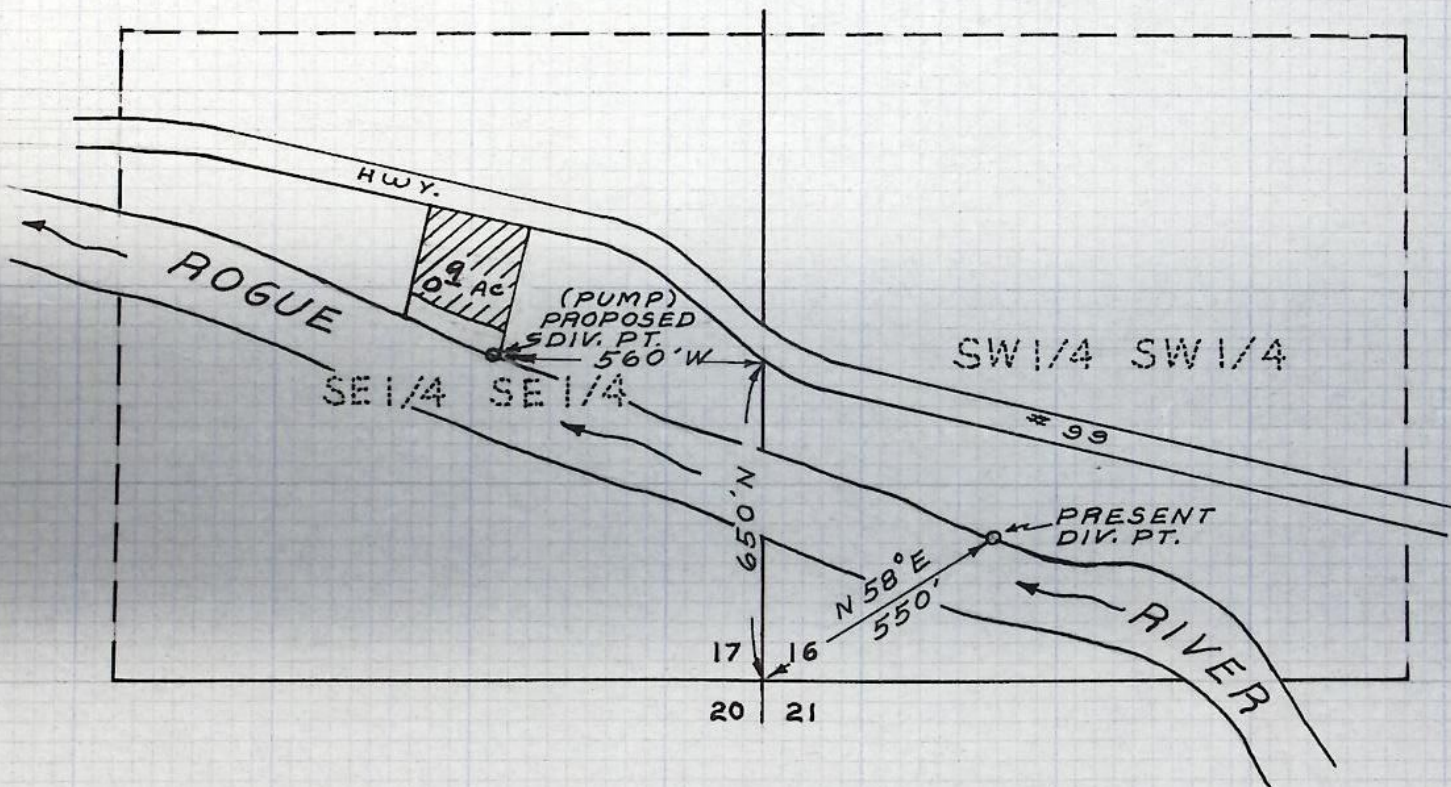
RECEIVED
MAY 20 1970
STATE ENGINEER
SALEM, OREGON

MAP TO ACCOMPANY APPLICATION IN THE NAME
OF L.V. & L.M. FOUTS FOR CHANGE IN POINT OF
DIVERSION LOCATED IN SEC. 16 & SEC 17, T 36 S,
R 3 W, W.M..

MAY 14, 1970



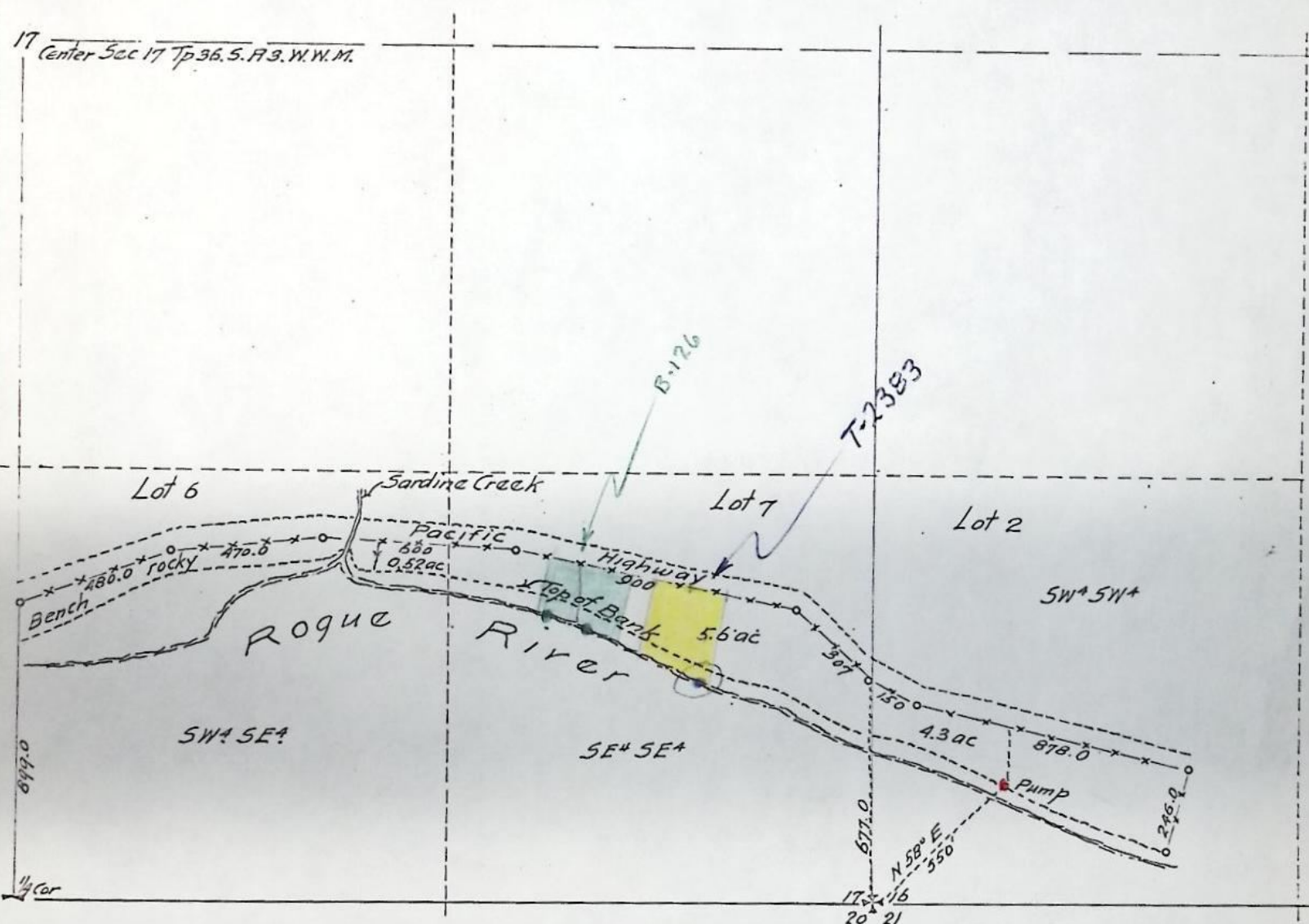
SCALE 1" = 400'



MAP

Accompanying application of SOREN M. CHRISTENSEN of Gold Hill Jackson County, Oregon. for permit to the waters of Rogue River Jackson County Oregon, for irrigation purposes.

March 1928.



Map made from notes taken in the field in Survey made by C.Z. Boyden County surveyor. The same showing correctly Lands to be irrigated, together with streams and ditches in immediate vicinity
Compiled by.

Fred N. Cummings. C.E.

Application No. 11885

Permit No. 8896

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR
CHANGE IN POINT OF DIVERSION OF WATER

Transfer No. 2383 County Jackson

1. Name Leo V. & Lelia M. Fouts Address 2032 2nd Ave., Gold Hill, Ore.

2. Source of Supply Rogue River, Trib. of ---

3. Amount of Water 0.02 cfs Priority Date March 16, 1928

4. Use Irrigation

5. Proposed Point of Diversion 650 ft. N & 560 ft. W from the SE corner of Sec. 17
being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 17, T. 36 S., R.
3 W., W.M.

6. Place of Use ---

[illegible]

Inspected April 20, 1972
DeH

Tr # 2383

Inspected April 20, 1972

Pump: 1 1/4" X 1.0" Centrifugal Pump (Jacuzzi) Model
6K058 3450 RPM - Direct connected to motor.

Motor: Electric motor (Dayton) 1.0 H.P. @ 3450 RPM
single phase - Direct connected to pump

4' to 5' suction lift & Discharge lift 15' to 22'.

Pipe line: Total length 540'; being 75' of 1 1/2" plastic,
40' of 2" aluminum, 200' of 1" plastic & gal. iron and
225' of 3/4 & 5/8" gal iron pipe & hose.

Sprinkler heads: 1 RB #35 - 3/16" and 3 Misc garden heads, Also
water is used for flood irrigation from the 40' of
2" alum. pipe, which has many small holes drilled
in same.

Crops: Mostly pasture, but some garden and lawn

Application map correctly shows ^{new} point of diversion,
area of land irrigated & place of use.

David L. Hendrix
Watermaster Dist. #13

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF LEO V. AND LELIA M. FOUTS FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM ROGUE)
RIVER)
-----)

ORDER APPROVING
TRANSFER NO. 2383

On May 20, 1970, Leo V. and Lelia M. Fouts filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Soren M. Christenson and recorded at page 8249, Volume 8, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.2 cubic foot per second of water from Rogue River for the irrigation of, among other lands, 0.9 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 36 South, Range 3 West, W.M., with a date of priority of March 16, 1928. These lands are irrigated from a point of diversion located North 58° East 550 feet from the common corner of Sections 16, 17, 20, and 21 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 36 South, Range 3 West, W.M.

The applicants herein, contract purchasers of the lands above described, propose to irrigate these lands from a point of diversion to be located 650 feet north and 560 feet west from the SE corner of Section 17 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 36 South, Range 3 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on July

22, 1970, at 9:30 a.m. The notice 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 29, June 5, and 12, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

Soren M. and Ruby Marie Christensen, contract sellers of the land involved, have submitted written approval of the change in point of diversion.

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 proposed change in point of diversion of water from Rogue River, to-wit:

From a point located North 58° East 550 feet from the common corner of Sections 16, 17, 20, and 21 being within the SW¼ SW¼ of Section 16, Township 36 South, Range 3 West, W.M.

To a point to be located 650 feet north and 560 feet west from the SE corner of Section 17 being within the SE¼ SE¼ of Section 17, Township 36 South, Range 3 West, W.M.

for the irrigation of 0.9 acre in SE¼ SE¼, Section 17, Township 36 South, Range 3 West, W.M., with a date of priority of March 16, 1928, is approved.

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, 1971.

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 and shall not exceed 0.02 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 certificate of water right heretofore issued to Soren M. Christenson and recorded at page 8249, Volume 8, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Leo V. and Lelia M. Fouts confirming the change in point of diversion.

Dated at Salem, Oregon, this 30th day of December, 1970.

/s/ CHRIS L. WHEELER
State Engineer

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Leo V. and Lelia M. Fouts
(Name of applicant)

of Route 1, Box 538-A, Gold Hill, County of Jackson
(Postoffice)

State of Oregon 97525, do hereby make application for change in point of diversion.

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

1. The source of present water right is Rogue River.
(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 pump.

4. The point of diversion is located N. 58°E. 550 feet
(N. or S.) (E. or W.)

corner of Sections 16, 17, 20, and 21 being within the SW¼ SW¼
(Section or subdivision)

of Section 16 Tp. 36 S. R. 3 W. W. M., in the County of Jackson.
(No. N. or S.) (No. E. or W.)

5. Give the number of acres irrigated in each smallest legal subdivision (40-acre tract). Only show the acreage which is being transferred. If the water is used for power, mining or other use, show place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
36 S.	3 W	17																0.9 part
																		10.42 0.2 cfs

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? No, contract purchasers --
(If not owner, explain your interest)

see enclosed letter of permission from the legal owners.

7. Have the lands above described been irrigated during the past 5 years? Yes.

8. What is the priority date of your water right? March 16, 1928.

9. Was your water right acquired by State Engineer's Permit? Yes. If so, give number
(Yes or No)
of permit 8386.

10. Do you hold a water right certificate? Yes. If so, give number of certificate 8249.
(Yes or No)

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

No. If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? No, Soren M. Christenson.
(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 $\frac{1}{4}$	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 $\frac{1}{4}$

(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 650 ft. N. and 560 ft. W. from the SE
(N. or S.) (E. or W.)
corner of 17 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17 Tp. 36 S. R. 3 W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Jackson. 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? Yes.

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.? (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 irrigate newly acquired land bought from the Christensons by means of a pump on our land.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Jackson

SS.

I, Leo V. Fouts & Lelia M. Fouts, 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 6 day of May, 19 70

Leo V. Fouts
(Name of applicant)
Lelia M. Fouts

Subscribed and sworn to before me this 6 day of May, 19 70

[Notarial Seal]

R. A. James
NOTARY PUBLIC FOR OREGON

My commission expires Dec. 7 - 1970

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.

RECEIVED
JUL 12 1971
STATE ENGINEER
SALEM OREGON

Transfer No. 2383

NOTICE OF COMPLETION OF CONSTRUCTION

I, L V Fouts, hereby certify

that the construction work has been completed and the change in
point of diversion of water made as set forth in the order of
the State Engineer dated December 30, 1970, approving an appli-
cation for a change in point of diversion of water from _____
Rogue River _____.

7-9-71
Date

L V Fouts
Name

RECEIVED
JUN 15 1970

STATE ENGINEER
SALEM OREGON

Affidavit of Publication

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Leo V. and Lelia M. Fouts have filed an application for the approval of a change in point of diversion of water from Rogue River.

Certificate of water right issued to Soren M. Christenson and recorded at page 8249, Volume 8, State Record of Water Right Certificates, confirms a right to the use of 0.2 cubic foot per second of water from Rogue River for the irrigation of, among other lands, 0.9 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 36 S., R. 3 W., W.M., with a date of priority of March 16, 1928. These lands are irrigated from a point of diversion located N 58° E 550 ft. from the common corner of Secs. 16, 17, 20, and 21 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16, T. 36 S., R. 3 W., W.M.

The applicants herein, contract purchasers of the lands above described, propose to irrigate these lands from a point of diversion to be located 650 ft. N and 560 ft. W. from the SE corner of Sec. 17 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 17, T. 36 S., R. 3 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on July 22, 1970, 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 Leo V. and Lelia M. Fouts, Rt. 1, Box 538-A, Gold Hill, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 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 State Engineer without a hearing.

Dated at Salem, Oregon, this 22nd day of May, 1970.

CHRIS L. WHEELER
State Engineer

State of Oregon, }
County of Jackson } ss.

1. Sarah Hayes, being first duly

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

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 Filing Application for Change in Point of Diversion of Water (Fouts)

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 29, June 5, 12, 1970
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sarah Hayes

Subscribed and sworn to before me this 12th day of June, 19 70

Alta M. Lindsay
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of Oct., 19 73

Soren M. and Ruby Marie Christensen
Route 1, Box 543
Gold Hill, Oregon 97525
May 6, 1970

Leo V. and Lelia M. Fouts
Route 1, Box 538-A
Gold Hill, Oregon 97525

Dear Mr. and Mrs. Fouts:

We hereby grant permission to you, the contract purchasers, of our property, to change the point of diversion of water from Rogue River under Permit No. 8386, to irrigate the land by means of a pump on the parcel of land you are purchasing from us.

Very truly yours,

Soren M. Christensen
Soren M. Christensen

Ruby Marie Christensen
Ruby Marie Christensen

PG

State of Oregon)
County of Jackson) ss.

In witness whereof, we have hereunto set our hands this
6th day of May, 1970.

Soren M. Christensen Ruby Marie Christensen

Subscribed and sworn to before me this 6th day of May,
1970.

Phyllis Gilman
Notary Public for Oregon
My commission expires 3-2-73.