

Arthur Shooter  
5055 Highway 66

2447

STATUS OF APPLICATION

Change in Point of Diversion  
Date filed September 17, 1970  
Date of hearing December 30, 1970  
Place of hearing Medford, Ore  
Date of order 3-2-71 Vol. 20, page 441  
Date for application of water 10-1-71  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued APR 20 1971 Vol. 29, page 37488  
To Summary 4/7/71 October 18, Vol. 29 p. 43754 1976

DESCRIPTION OF WATER RIGHT

Name of stream Neil Creek  
Trib. of — County of Jackson  
Use Irrigation  
Quantity of water 0.14 cfs No. of acres 11<sup>0</sup>  
Name of ditch Taylor  
Date of priority 1854  
In name of J. W. McDonough  
Reque River Adjudication, Vol. 4, page 10 col. 2  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 36141  
Certificate cancelled \_\_\_\_\_  
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
9-17-70	25.00	20863
9-17-70	35.00 <sup>FOR</sup>	20864
TOTAL . . .		
11-27-70	\$3 <sup>1</sup> Cert. Fee	From Pub. g. Nat.

FEES REFUNDED

Date	Amount	Check No.
11-27-70	\$17.42 Pub. g. Nat.	3965

8/5/76 1<sup>00</sup> Cert Fee for left over, above

REMARKS

See Transfer No 3272 retransferred part of right involved in this Transfer 2447

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



# FFIDAVIT OF PUBLICATION

STATE OF OREGON, }  
County of Jackson, } ss.  
Betty Duty

I, ....., being first duly sworn, depose and say that I am the printer of the ASHLAND TIDINGS, a daily newspaper of general circulation, printed and published in Ashland, in the aforesaid county and state; that such newspaper is made up of at least four pages of five columns of at least 17 3/4 inches in depth, or if smaller pages, then comprising an equivalent amount of type matter; that said newspaper was regularly and uninterruptedly published for at least one year immediately proceeding the first publication of the attached notice, and has more than 200 bona fied subscribers within the county in which it is published; that the notice of which the one hereto attached is a true and correct copy, viz;

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

Notice is given hereby that Orville Caughran and Arthur Shooter have filed an application for the approval of a change in point of diversion of water from Neil Creek.

In the Rogue River Adjudication proceedings a water right was established in the name of J.W. McDonough for the use of the waters of Neil Creek for the irrigation of, among other lands, 8.0 acres in NE 1/4 SW 1/4 and 3.0 acres in NW 1/4 SW 1/4, Sec. 19, T. 39 S., R. 2 E., W.M., with a date of priority of 1854. These lands are irrigated by means of the Taylor Ditch from a point of diversion located 330 ft. S and 65 ft. W from the SW corner of DLC No. 43 being within the SE 1/4 SW 1/4 of Sec. 19, T. 39 S., R. 2 E., W.M.

The applicants herein, owners of the lands above, described, propose to irrigate these lands from a point of diversion to be located 870 ft. N and 730 ft. W from the SE corner of DLC No. 41 being within the NE 1/4 SW 1/4 of Sec. 19, T. 39 S., R. 2 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on December 30, 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 Orville Caughran and Arthur Shooter, 5055 Hwy. 66, Ashland, 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 27th day of October, 1970.  
Chris L. Wheeler  
State Engineer

Nov. 4, 11, 18

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three successive  
dated the 4th day  
issue dated 10th day  
That the price actually  
That a reduction of \$.  
charitable purposes.

paper once a week for  
encing with the issue  
and ending with the  
.. 19 70....  
\$15.58.....  
gal rate was made for

Subscribed and sworn to before me this 20th day of Nov., 19 70

Notary Public for Oregon.

(My commission expires 10-5-74)



**FFIDAVIT OF PUBLICATION**

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County of Jackson, } ss.  
**Betty Duty**

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**NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER**  
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The applicants herein, owners of the lands above, described, propose to irrigate these lands from a point of diversion to be located 870 ft. N and 730 ft. W from the SE corner of DLC No. 41 being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 19, T. 39 S., R. 2 E., W.M.  
All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on December 30, 1970, at 9:30

909 Phone 482-2681  
**HOUSE**

was published in the regular and entire issue of said newspaper once a week for three successive and consecutive weeks, commencing with the issue dated the 4th day of November, 1970, and ending with the issue dated 10th day of November 1970.

That the price actually charged for this notice was \$ . \$15.58

That a reduction of \$ . none from the legal rate was made for charitable purposes.

Subscribed and sworn to before me this 20th day of Nov., 1970.

*Betty Duty*  
*Edmond*  
Notary Public for Oregon.

(My commission expires 10-5-74)



BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF ORVILLE CAUGHRAN AND ARTHUR )  
SHOOTER FOR THE APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER FROM NEIL CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2447

On September 17, 1970, Orville Caughran and Arthur Shooter filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Neil Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, amended and corrected by a decree of the Court entered February 18, 1969, a water right was established in the name of J. W. McDonough for the use of the waters of Neil Creek for the irrigation of, among other lands, 8.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 3.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 19, Township 39 South, Range 2 East, W.M., with a date of priority of 1854. This right is evidenced by certificate recorded at page 36141, Volume 28, State Record of Water Right Certificates. These lands are irrigated by means of the Taylor Ditch from a point of diversion located 330 feet south and 65 feet west from the SW corner of DLC No. 43 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, Township 39 South, Range 2 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 870 feet north and 730 feet west from the SE corner of DLC No. 41 being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, Township 39 South, Range 2 East, 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 December 30, 1970, at 9:30 a.m. The notice was published in the Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of November 4, 11, and 18, 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.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Neil Creek, to-wit:

From a point located 330 feet south and 65 feet west from the SW corner of DLC No. 43 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, Township 39 South, Range 2 East, W.M.

To a point to be located 870 feet north and 730 feet west from the SE corner of DLC No. 41 being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, Township 39 South, Range 2 East, W.M.

for the irrigation of 8.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 3.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 19, Township 39 South, Range 2 East, W.M., with a date of priority of 1854, 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 0.14 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 J. W. McDonough and recorded at page 36141, Volume 28, 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 Orville Caughran and Arthur Shooter confirming said change in point of diversion.

Dated at Salem, Oregon, this 2nd day of March, 1971.

/s/ CHRIS L. WHEELER  
State Engineer



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. W. McDONOUGH

of Ashland, State of Oregon, has a right  
to the use of the waters of Neil Creek

a tributary of Bear Creek for the purpose of  
irrigation of 18.8 acres and domestic use  
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 4, at page 1; that the priority of the right thereby  
confirmed dates from 1854;

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 0.235 cubic foot per  
second

The point of diversion is located in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 19, T. 39 S., R. 2 E., W. M.

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

3.0 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
15.8 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 19  
T. 39 S., R. 2 E., W. M.

Certificate of water right issued to J. W. McDonough and recorded at page 15976,  
Volume 13, State Record of Water Right Certificates, confirms the right to the  
use of water for irrigation of 20.0 acres. Subsequently, the point of diversion  
for the irrigation of 1.2 acres was changed by order of the State Engineer entered  
June 9, 1969. This certificate is issued to confirm the remaining right to the  
use of water for irrigation and supersedes the certificate heretofore issued  
to J. W. McDonough.

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 date July 14, 19 69.

CHRIS L. WHEELER  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 28, page 36141



## STATE OF OREGON

Superseded by

Cert. No.

Trs. Sp. Br. ~~20441~~

COUNTY OF

JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

J. W. McDonough  
~~J. W. McDONOUGH~~of Ashland  
to the use of the waters of Neil Creek

, State of Oregon, has a right

a tributary of Bear Creek, 7.8

for the purpose of

irrigation of ~~18.8~~ acres and domestic use

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 4, at page 1; that the priority of the right thereby confirmed dates from 1854;

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 ~~0.235~~ cubic foot per second  
0.095The point of diversion is located in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 19, T. 39 S., R. 2 E., W. M.

D. &amp; R. 4. loc. 330 ft S. &amp; 65 ft W. from SW Cor. DLC 43

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

~~3.0 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$~~   
 7.8 ~~15.8~~ acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
 Section 19  
 T. 39 S., R. 2 E., W. M.

Certificate of water right issued to J. W. McDonough and recorded at page 36141,

Volume 28, State Record of Water Right Certificates, confirms the right to the use of  
 water for irrigation of 18.8 acres. A change in the right to the use of water  
 appurtenant to irrigation of 11.0 acres was approved by order of the State Engineer entered March 2,

1971. This certificate is issued to confirm the remaining right to the use of water for  
 irrigation and supersedes the certificate heretofore issued to J. W. McDonough  
 of use herein described.

WITNESS the signature of the State Engineer, affixed

this date July 14, 1969.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 28, page 36141

0.235    0.0975    0.1375  
 18.8    7.8    11.0

order  
0.14

29, 37488

0.0975  
 1375  
 0.2350