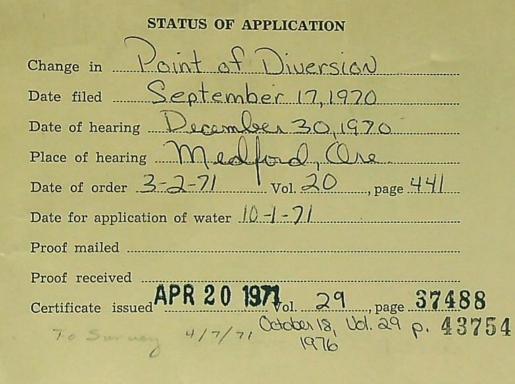
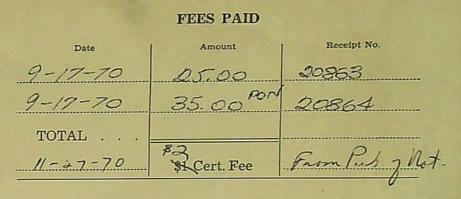
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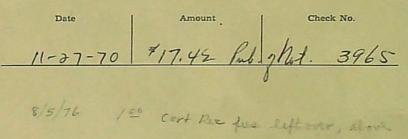
Arthur Shester 5055 Highway 66



DESCRIPTION OF WATER RIGHT Neil Creek Name of stream ... County of Jackson Trib. of Use Drrigation Name of ditch Taylor 1854 Date of priority J. W. Mc Donough In name of Reque Kiver Adjudication, Vol. 4, page 10 col. 2 Certificate cancelled Notation made on record by



FEES REFUNDED



REMARKS

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

INDEX CARDS:	Entered	Checked
Stream	ALL.	
Pt. of Div.	ALC A	
Calendar	AU.)	
CHECKED TO REC	pus .	
Twp. & Rge.	COLUS:	
A Decree-vault	-1-	
Decree-safe	all	
Cert, of W/R	see	
Per. Folder	All	
Chaindex		
Cross Ref.		
A Power Claim		
Abstracts		
		A CONTRACTOR OF THE

FFIDAVIT OF PUBLICATION

JTATE OF OREGON.

County of Jackson,

Betty Duty

SS.

... being first duly sworn, depose and say Ι. 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 17¾ 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. Mc-Donough for the use of the waters of Neil Creek for the irrigation of, among other lands, 8.0 acres in NE1/4 SW1/4 and 3.0 acres in NW14 SW14, 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 SE1/4 SW1/4 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 NE1/4 SW1/4 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 was published in the reguls filing fee at least 10 days prior to the paper once a week for

Dated at Salem, Oregon, this 27th

encing with the issue and ending with the 19 .7.0 . . .

\$15.58 gal rate was made for

dated the lith ... day approved by the State Engineer issue dated 10th de without a hearing.

That the price actually day of October, 1970. That a reduction of \$. Chris L. Wheeler State Engineer charitable purposes.

Nov. 4, 11, 18 ily Subscribed and sworn to before me this .20 day of

Notary Public for Oregon.

aleano

FFIDAVIT OF PUBLICATION

TATE OF OREGON.

County of Jackson.

Betty Duty

22

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 17¾ 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

In the Rogue River Adjudication proceedings a water right was established in the name of J.W. Mc-Donough for the use of the waters of Neil Creek for the Irrigation of, among other lands, 8.0 acres in NE¼ SW¼ and 3.0 acres in NE¼ SW¼, 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 SE¼ SW¼ of Sec. 19, T. 39 S., R. 2 E., W.M. The applicants herein, owners of the

The applicants herein, owners, and iands above, described, propose to irrigate these lands from a point of diversion to be located 870 ff. N and 730 ff. W from the SE corner of DLC No. 41 being within the NE'/4 SWI/4 of Sec. 19, T. 39 S., R. 2 E., W.M. All persons interested are notified

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on December 20, 1970, at 9:30



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 day of November..., 19.70., and ending with the issue dated 18th day of November 19.70....

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.

Notary Public for Oregon.

(My commission expires ! 9- 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)

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, emended 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% SW% and 3.0 acres in NW% SW%, 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% SW% 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% SW% 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 <u>Ashland Daily Tidings</u>, 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% SW% 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% SW% of Section 19, Township 39 South, Range 2 East, W.M.

for the irrigation of 8.0 acres in NE% SW% and 3.0 acres in NW% SW%, 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

to the use of the waters of Neil Creek

J. W. McDONOUGH

, State of

, has a right Oregon

for the purpose of

of Ashland

a tributary of Bear Creek

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 SEL SWL, 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 SW 15.8 acres NEL SWL 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

CHRIS L. WHEELER State Engineer

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

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

COURT-1M-4-64

J. W. Mc Donough J. W. McDONOUGH

, State of Oregon , has a right

Superinded by Cert. No ...

for the purpose of

Tra. Sp. Dr. PLOP.

of Ashland to the use of the waters of Neil Creek

a tributary of Bear Creek 7.8

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 $\frac{0.235}{0.095}$ cubic foot per second

The point of diversion is located in the SEL SWL, Section 19, T. 39 S., R. 2 E., W. M. D. 14. Loc. 330 ft S. \$65 ft. W. from SW Cor. DLC43 A description of the place of use under the right, and to which such right is appurtenant, is as follows:

> 3.0 acres NH, SM, 7.8 15.8 acres NE₄ SW<u>1</u> Section 19 T. 39 S., R. 2 E., W. M.

Certificate of water right issued to J. W. McDonough	and recorded at page,
Volume <u>28</u> , State Record of Water Right Certificates, con A Change in A water for irrigation of <u>18.8</u> acres. Subsequently, the p apportenant to irrigation of <u>11.0</u> acres was changed by order of the Sta	the right to the use of water
19 7/. This certificate is issued to confirm the remainin	g right to the use of water for
irrigation and supersedes the certificate heretofore issued	to J. W. McDonough
of use herein described. WITNESS the sig	nature of the State Engineer, affixed
this date	July 14 , 19 59 .
	CHRIS L. WHEFELVR State Engineer
Recorded in State Record of Water Right Certificates, Volume	28- , page 3514+
0,235 : 0.0975 0.1375 18.8 : 7.8 : 11.0 Order 0.14	29, 37488