

2017 Robert E. & Susan L.
 4737 Applegate Rd. Fisher
 Jacksonville Ore. 97530

2817

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed MAY 21, 1973
 Date of hearing October 16, 1973
 Place of hearing Medford, Ore.
 ✓ Date of order 12-26-73 Vol. 23, page 493-5
 Date for application of water 10-1-74
 Proof mailed _____
 Proof received _____
 Certificate issued MAY 24 1974 Vol. 32, page 40385 ✓
NOV 23 1976 Vol. 36, page 43977 ✓

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
 Trib. of _____ County of Jackson
 Use Irrigation
 Quantity of water _____ No. of acres 27.5
 Name of ditch Camstock ditch
 Date of priority 1876
 In name of Wilbur W. Cameron
Rogue River Adjudication, Vol. # 17, page 22 ✓
 App. No. _____ Per. No. _____ Cert. No. 16225
39595
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-21-73</u>	<u>25.00</u>	<u>33894</u>
<u>5-21-73</u>	<u>40.00 P.O.N.</u>	<u>33895</u>
<u>10-25-73</u>	<u>.94 P.O.N.</u>	<u>37176</u>
TOTAL . . .	3.00	
<u>10-25-73</u>	Cert. Fee	<u>37177</u>

FEES REFUNDED

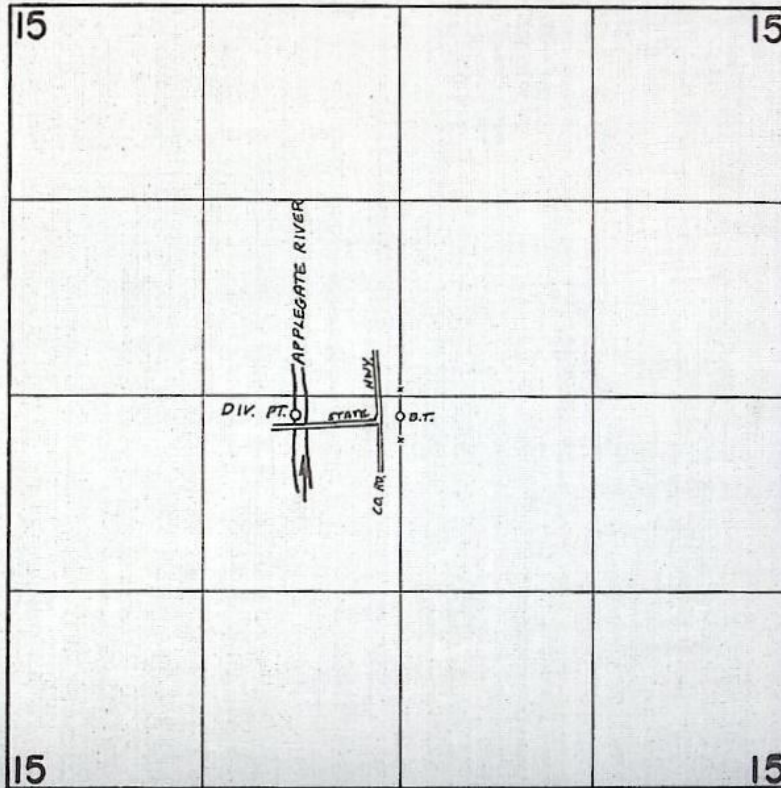
Date	Amount	Check No.

REMARKS

5.2 acres of this remaining right - changed Point of Diversion, see transfer 3001.

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
	_____ Name	<u>WN</u>	_____
_____ Stream	<u>WH</u>	_____	
_____ Pt. o. Div.	_____	_____	
_____ Calendar	<u>WN</u>	_____	
_____ CHECKED TO RECORDS:			
✓ Twp. & Rge.	<u>WAC</u>	_____	
✓ Decree-vault	<u>WAC</u>	_____	
✓ Decree-sale	<u>WAC</u>	_____	
✓ Cert. of W/R	<u>WAC</u>	_____	
_____ Per. Folder	_____	_____	
_____ Chaindex	_____	_____	
_____ Cross Ref.	_____	_____	
_____ Power Claim	_____	_____	
_____ Abstracts	_____	_____	

T.39S. R.3W. W.M.



DIV. PT. LOCATED: 130'S. 710'W. FROM CTR. SEC. 15.

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2817
Application No. Permit No.
IN NAME OF

...**ROBERT E. & SUSAN T. FISHER**...

Surveyed AUG. 9 1975, by L. TOLL

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

Is to Certify, That **LESLIE G. & THELMA I. SCHNEIDER & FRED L. & NANCY R. STRAUBE**

900iskiyou Blvd., Medford
Route 2, Box 350, Jacksonville, State of **Oregon**, has a right
of the waters of **Applegate River**

of **Rogue River** ^{103.5} for the purpose of

irrigation of ~~131~~ acres, domestic and stock

said right has been confirmed by decree of the Circuit Court of the State of Oregon for
County, and the said decree entered of record at Salem, in the Order Record of

Jackson
STATE ENGINEER, in Volume **4**, at page **1**; that the priority of the right thereby
dated from **1876**

the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
actually beneficially used for said purposes, and shall not exceed ~~3.28~~ ^{2.59} cubic feet per
second

point of diversion is located in the SW $\frac{1}{2}$ SW $\frac{1}{2}$, Section 5, T. 40 S., R. 3 W., W. M., SE $\frac{1}{2}$
NW $\frac{1}{2}$ Section 15, T. 39 S., R. 3 W., W. M., Comstock ditch located: 1000 feet North*
description of the place of use under the right, and to which such right is appurtenant, is as

- 6.2 acres NE $\frac{1}{2}$ NW $\frac{1}{2}$
- 31.3 acres NW $\frac{1}{2}$ NW $\frac{1}{2}$
- ~~20.0~~ ^{15.6} ~~22.1~~ acres SW $\frac{1}{2}$ NW $\frac{1}{2}$
- ~~15.6~~ ^{5.0} ~~17.9~~ acres SE $\frac{1}{2}$ NW $\frac{1}{2}$
- ~~5.0~~ ^{4.3} ~~21.2~~ acres NE $\frac{1}{2}$ SW $\frac{1}{2}$
- ~~6.3~~ ^{16.1} ~~acres~~ NW $\frac{1}{2}$ SW $\frac{1}{2}$
- ~~4.3~~ ^{4.0} ~~4.5~~ acres SW $\frac{1}{2}$ SW $\frac{1}{2}$
- ~~16.1~~ ^{1.0} ~~16.5~~ acres SE $\frac{1}{2}$ SW $\frac{1}{2}$

*Ch. Pt. of Div.
for 27.5 ac.*

Section 15
1.0 acre SW $\frac{1}{2}$ NW $\frac{1}{2}$
4.0 acres NW $\frac{1}{2}$ SW $\frac{1}{2}$
Section 22
T. 39 S., R. 3 W., W. M.

as recorded at page 16225, Volume 13,

An order of the State Engineer entered Dec. 26 1973, approves a change
in Pt. of Div. for the irrigation of 27.5 acres. This certificate is
issued to confirm the remaining right and supersedes the certificate heretofore
issued to (same as above) and recorded at page 39595, State Record
of Water Right Certificates.

The right to the use of the water for the purposes
described.

WITNESS the signature of the State Engineer, affixed

this date **November 21**, 1973.

Chris L. Wheeler
State Engineer

RECEIVED

SEP 10 1973

STATE ENGINEER
SALEM, OREGON

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

Notice is given hereby that Robert E. and Susan T. Fisher have filed an application for the approval of a change in point of diversion of water from Applegate River.

In The Rogue River Adjudication proceedings a water right was established in the name of Wilbur W. Cameron for the use of not to exceed 3.23 cubic feet per second of water from Applegate River for the irrigation of, among other lands, 2.1 acres in SW¹/₄ NW¹/₄, 2.3 acres in SE¹/₄ NW¹/₄, 16.2 acres in NE¹/₄ SW¹/₄, 6.3 acres in NW¹/₄ SW¹/₄, 0.2 acre in SW¹/₄ SW¹/₄, 0.4 acre in SE¹/₄ SW¹/₄. Section 15, Township 39 South, Range 3 West, W.M., with a date of priority of 1876.

The water is conveyed to these lands my means of the Comstock Ditch from a point of diversion located 1000 feet North and 1150 feet East from the SW corner of Section 5, being within the SW¹/₄ SW¹/₄ of Section 5, Township 40 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a pipeline to be located at a point of diversion 90 feet South and 2020 feet East from the West ¹/₄ corner of Section 15, being within the NE¹/₄ SW¹/₄ of Section 15, Township 39 South, Range 3 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on October 16, 1973, 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 Robert E. and Susan T. Fisher, 4731 Applegate Road, Jacksonville, Oregon, 97530, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 16th day of August, 1973.

CHRIS L. WHEELER
State Engineer

Affidavit of Publication

State of Oregon, }
County of Jackson } ss.

1. Evalynne D. Smith, being first duly

sworn, depose and say that I am the _____
OWNER, EDITOR, PUBLISHER, MANAGER.

Principal Clerk

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 of Filing Application for a Change in Pt. of Div. of Water - Fisher, 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 Aug. 23, 30, Sept. 6, 1973
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Evalynne D. Smith

Subscribed and sworn to before me this 6th day of Aug., 19 73

Alta M. Lindsey
NOTARY PUBLIC FOR OREGON

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

Superseded by
Cert. No. 34595 Cert. No. 40385
Spec. Or. V. 23 p. 1493

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Robert E. & Susan T. Fisher
4734 Applegate Rd.
of Jacksonville, State of Oregon 97530, has a right to the use of
the waters of Applegate River, a tributary of Rogue River

for the purpose of irrigation of 27.5 acres, ~~Domestic and Stock use in Tract No. 1, and
Placer Mining in Tract No. 2.~~

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 1876;

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 ~~3.28 cubic feet per
second for Tract No. 1, and 6.67 cubic feet per second for Tract No. 2.~~

P.O.D. NE 1/4 SW 1/4 Sec 15, T39S, R3W, WM, 130'S & 710'W from
the C 1/4 cor of Sec 15

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:

Tract No. 1

- ~~5 acres in NE 1/4 NW 1/4~~
- ~~29 acres in NW 1/4 NW 1/4~~
- 2.1 ~~23~~ acres in SW 1/4 NW 1/4
- 2.13 ~~27~~ acres in SE 1/4 NW 1/4
- 16.2 ~~23~~ acres in NE 1/4 SW 1/4
- 6.3 ~~5~~ acres in NW 1/4 SW 1/4
- 0.2 ~~2~~ acres in SW 1/4 SW 1/4
- 0.4 ~~21~~ acres in SE 1/4 SW 1/4

1 Chg. in pt. of div. for
5 ac. Sp. Or. V. 23 p. 1493
2 ac. " " " 23 p. 1493*

- ~~1 acre in SW 1/4 NW 1/4~~
- ~~4 acres in NW 1/4 SW 1/4~~

Section 15,
Section 22,
T. 39 S., R. 3 W., W. M.

Tract No. 2

PART
~~Cancelled - sp. or Rec. Vol. 23 p. 290. Placer mines in
Sections 15 and 22,
T. 39 S., R. 3 W., W. M.~~

This certificate is issued to confirm a change in SE p.o.d.
approved by an order of the Water Resources Director entered Dec 26, 1973,
together with cert 40385
and supersedes certificate of water right issued to above
and recorded at Page 16225, Volume 13, State Record of Water Right Certificates.

WITNESS the signature of the State Engineer, affixed
this 30 day of September, 1973.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16225

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~Wilbur W. Cameron~~ ^{revised}

of Jacksonville, State of Oregon, has a right to the use of the waters of Applegate River, a tributary of Rogue River

for the purpose of irrigation of 131 acres, Domestic and Stock use in Tract No. 1, and Placer Mining in Tract No. 2.

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 1876;

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 3.28 cubic feet per second for Tract No. 1, and 6.67 cubic feet per second for Tract No. 2.

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:

- 6.2 acres in NE 1/4 NW 1/4
- 31.3 " " NW 1/4 NW 1/4
- 22.1 " " SW 1/4 NW 1/4
- 17.9 " " SE 1/4 NW 1/4
- 21.2 " " NE 1/4 SW 1/4
- 6.3 " " NW 1/4 SW 1/4
- 4.5 " " SW 1/4 SW 1/4
- 16.5 " " SE 1/4 SW 1/4

Section 15

- 1.0 acres in SW 1/4 NW 1/4
- 4.0 acres in NW 1/4 SW 1/4

Section 22

T. 39 S., R. 3 W., W.M.

Cancelled
SP. Dr. Vol. 23 P. 290
July 27, 1973

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 30 day of September, 1949.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16225

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION OF
ROBERT E. AND SUSAN T. FISHER FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM APPELEGATE
RIVER

ORDER APPROVING
TRANSFER NO. 2817

On May 21, 1973, Robert E. and Susan T. Fisher filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered September 20, 1972, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of Wilbur W. Cameron for the use of the waters of Applegate River for the irrigation of, among other lands, 2.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 16.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 6.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.4 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 39 South, Range 3 West, W.M., with a date of priority of 1876. These lands were erroneously described by certificate of water right recorded at page 16225, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Comstock ditch from a point of diversion located 1000 feet North and 1190 feet East from the Southwest corner of Section 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 40 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 90 feet South and 2020 feet East from the West $\frac{1}{4}$ corner of Section 15, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 39 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 October 16, 1973 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 August 23, 30 and September 6, 1973. 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 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 Applegate River, to wit:

From a point located 1000 feet North and 1190 feet East from the Southwest corner of Section 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 40 South, Range 3 West, W.M.

To a point to be located 90 feet South and 2020 feet East from the West $\frac{1}{4}$ corner of Section 15, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 39 South, Range 3 West, W.M.

for the irrigation of 2.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 16.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 6.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.4 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 39 South, Range 3 West, W.M., with a date of priority of 1876, 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, 1974.

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 0.69 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 Wilbur W. Cameron and recorded at page 16225, Volume 13, 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 conforming with the Decree of the Circuit Court entered September 20, 1972, 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 Robert E. and Susan T. Fisher confirming the change in point of diversion.

Dated at Salem, Oregon, this 26th day of December, 1973.

/s/ CHRIS L. WHEELER
State Engineer