

2528 Don A. Fowler
P.O. Box 162
Ashland, Ore 97520

2528

4

STATUS OF APPLICATION

Change in Point of Diversion
Date filed May 24, 1971
Date of hearing August 12, 1971
Place of hearing Medford, Ore
Date of order 8-12-71 Vol. 21, page 190
Date for application of water 10-1-72
Proof mailed _____
Proof received _____
Certificate issued JAN 18 1977 Vol. 36, page 44128

To Survey 8/26/71

DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek
Trib. of - County of Jackson
Use Irrigation
Quantity of water 0.05 cfs No. of acres 40
Name of ditch Carter
Date of priority December 1, 1923
In name of L. E. Neathamer
_____ Adjudication, Vol. _____, page _____
App. No. 9287 Per. No. 6124 Cert. No. 7485
Certificate cancelled _____
Notation made on record by sl

FEEES PAID

Date	Amount	Receipt No.
5-24-71	25.00	23700
5-24-71	48.00 PON	23701
TOTAL . . .		-
7-19-71	\$1 Cert. Fee	From Pub. J. Mt.

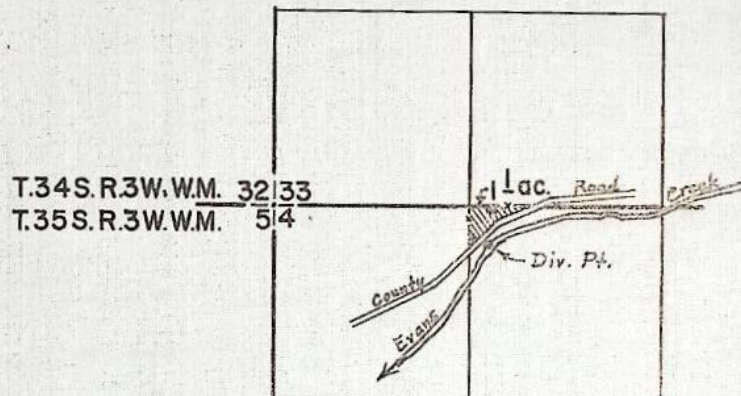
FEEES REFUNDED

Date	Amount	Check No.
7-19-71	\$14.62 Pub. J. Mt.	4318

REMARKS

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

T.35S. R.3W. W.M.



Div. Pt. is located 270' S. & 1460' E.
from N.W. Cor. of Sec. 4

FINAL PROOF SURVEY
UNDER

Trans. No. 2528
Application No. _____ Permit No. _____
IN NAME OF

Don A. Fowler

Surveyed Oct. 1, 1972, by L. Crow & D.C.H.

Surveyed 10/11/72
by L.M.C.

T-2528

Motor: ~~Direct~~ Direct connected to pump. Electric motor (G.E.)
Serial No. 5K284D97 3450 RPM 10.0 H.P. 220/440.

Sprinkler Heads: 2 RB #30 $3/16 \times 1/8$ and 2 RB #20 $13/64$.

Crops: Pasture, Garden & fruit trees.

David L. Hendrix
Watermaster Dist #13

27/4/11 kapuvinnur 27
4889

28/11/11 kapuvinnur
27.11.11

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

DON A. FOWLER

of 14773 E. Evans Creek Rd., Rogue River, State of Oregon, 97537, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Evans Creek

a tributary of Rogue River
irrigation of 4.0 acres

for the purpose of

under Permit No. 6124 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 1, 1923 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.05 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, T. 35 S., R. 3 W., W. M., 270 feet South and 1460 feet East from the NW Corner of Section 4.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

4.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 4
T. 35 S., R. 3 W., W. M.

This certificate is issued to confirm a change in point of diversion approved August 12, 1971, and supersedes certificate 7485.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. January 18, 1977

James E. Saxson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36, page 44128.

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF DON A. FOWLER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM EVANS CREEK)

ORDER APPROVING
TRANSFER NO. 2528

On May 24, 1971, Don A. Fowler filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to L. E. Neathamer and recorded at page 7485, Volume 7, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.05 cubic foot per second of water from Evans Creek for the irrigation of 4.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923. These lands are irrigated by means of the Carter Ditch from a point of diversion located 530 feet north and 790 feet west from the S $\frac{1}{4}$ corner of Section 34 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 34 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 180 feet south and 1170 feet west from the S $\frac{1}{4}$ corner of Section 33 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 35 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 August 12, 1971, 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 June 18, 25, and July 2, 1971. 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 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 proposed change in point of diversion of water from Evans Creek, to-wit:

From a point located 530 feet north and 790 feet west from the S $\frac{1}{4}$ corner of Section 34 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 34 South, Range 3 West, W.M.

To a point to be located 180 feet south and 1170 feet west from the S $\frac{1}{4}$ corner of Section 33 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 35 South, Range 3 West, W.M.

for the irrigation of 4.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 35 South, Range 3 West, W.M., with a date of priority of December 1, 1923, 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, 1972.

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 0.05 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 L. E. Neathamer and recorded at page 7485, Volume 7, State Record of Water Right Certificates, is canceled 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 Don A. Fowler confirming the change in point of diversion.

Dated at Salem, Oregon, this 12th day of August, 1971.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

Don A. Fowler

14773 E. Evans Creek RV
 This is to Certify, That L. E. Neathamer
 of Rogue River, State of Oregon 97537, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Evans Creek
 a tributary of Rogue River for the purpose of Irrigation
 under Permit No. 6124 of the State Engineer, and that said right to the use of said waters
 has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
 confirmed dates from December 1, 1923;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

0.05 cubic foot per second;

The use hereunder for irrigation shall conform to such reasonable rotation system as may be
 ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other
 right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per
 acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such
 right is appurtenant (or, if for other purposes, the place where the water is put to beneficial
 use), is as follows: 4 acres in the NE 1/4, Section 4, Township 35 South, Range 3
West of the Willamette Meridian, in Jackson County, Oregon.

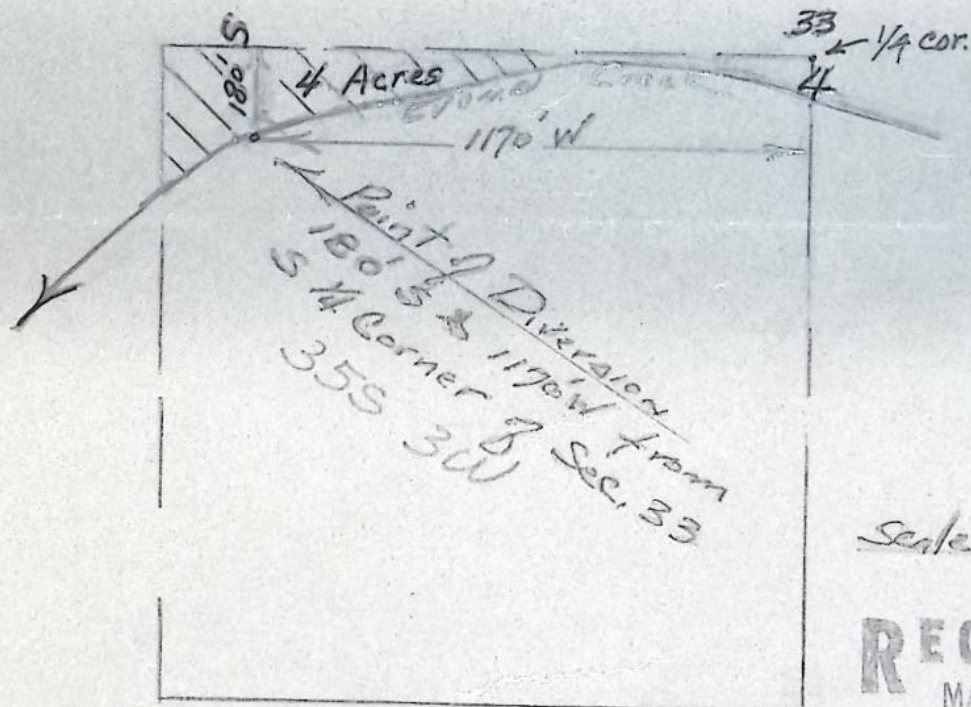
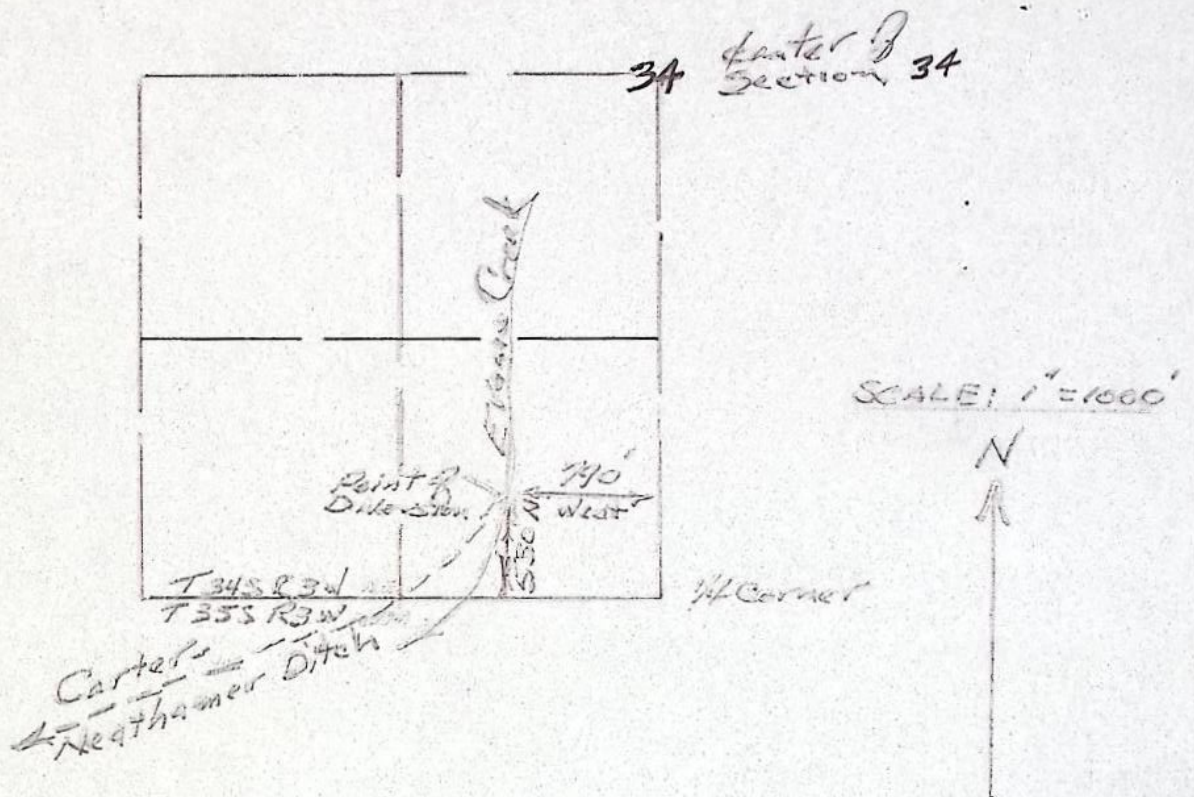
This certificate is issued to confirm a change in p.o.d.
 approved by ~~an order of the Water Resources Director~~ entered Aug 12, 1971,
 and supersedes certificate of water right issued to _____
 and recorded at Page 7485, Volume _____, State Record of Water Right Certificates.

affixed this 24th day
 of January, 1928.

REMA LUTER
 State Engineer.

Recorded in State Record of Water Right Certificates, Volume 7, page 7485.

P.O.D.: NE 1/4 NW 1/4 Sec 4 T 35 S R 3 W WM,
 270' S, E 1460' E from the NW cor Sec 4



RECEIVED
MAY 24 1971
STATE ENGINEER
SALEM, OREGON

Map to accompany application of Don. A. Fowler
for change in point of diversion.

5/18/71

IT OF PUBLICATION

E OF OREGON,

ss.

ounty of Jackson,

I, Betty Duty, 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 Don A. Fowler has filed an application for the approval of a change in point of diversion of water from Evans Creek.

Certificate of water right issued to L.E. Neathamer and recorded at page 7485, Volume 7, State Record of Water Right Certificates, confirms a right to the use of 0.05 cubic foot per second of water from Evans Creek for the irrigation of 4.0 acres in NE 1/4 NW 1/4, Sec. 4, T. 35 S., R. 3 W., W.M., with a date of priority of December 1, 1923. These lands are irrigated by means of the Carter Ditch from a point of diversion located 530 ft. N and 790 ft. W from the S 1/4 corner of Sec. 34 being within the SE 1/4 SW 1/4 of Sec. 34, T. 34 S., R. 3 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 180 ft. S and 1170 ft. W from the S 1/4 corner of Sec. 33, T. 34 S., R. 3 W., W.M. being within the NE 1/4 NW 1/4 of Sec. 4, T. 35 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 August 12, 1971, 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 Don A. Fowler, P.O. Box 162, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 9th day of June, 1971.

CHRIS L. WHEELER
State Engineer

June 18, 25
July 2

was published in the regu
three successive
dated the 18th d
issue dated 2nd...

That the price actual
That a reduction of
charitable purposes.

Subscribed and sworn

wspaper once a week for
commencing with the issue
.. and ending with the

19 71
\$ 24.38

the legal rate was made for

Betty Duty
ay of July, 1971
ry Public for Oregon.

(0-5-74)

STATE OF OREGON,

County of Jackson, } ss.

I, Betty Duty, 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;

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OF WATER

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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 18th day of June, 1971, and ending with the issue dated 2nd day of July, 1971.

That the price actually charged for this notice was \$ 21.38.

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

Subscribed and sworn to before me this 7th day of July, 1971.

Notary Public for Oregon.

(My commission expires 10-25-74)

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

Notice is given hereby that Don A. Fowler has filed an application for the approval of a change in point of diversion of water from Evans Creek.

Certificate of water right issued to L. E. Neathamer and recorded at page 7485, Volume 7, State Record of Water Right Certificates, confirms a right to the use of 0.05 cubic foot per second of water from Evans Creek for the irrigation of 4.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 35 S., R. 3 W., W.M., with a date of priority of December 1, 1923. These lands are irrigated by means of the Carter Ditch from a point of diversion located 530 ft. N and 790 ft. W from the S $\frac{1}{4}$ corner of Sec. 34 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 34, T. 34 S., R. 3 W., W.M.

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All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on August 12, 1971, 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 Don A. Fowler, P. O. Box 162, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 9th day of June, 1971.

CHRIS L. WHEELER
State Engineer

10. Do you hold a water right certificate? Yes. If so, give number of certificate 7485.
(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, L. E. Neathamer.
(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 180 ft. S. and 1170 ft. W. from the S $\frac{1}{4}$
(N. or S.) (E. or W.)
corner of 33 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4 Tp. 35 S R. 3 W. 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

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

ss.

I, Don. A. Fowler, 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 17 day of May, 1971.
Don. A. Fowler
(Name of applicant)

Subscribed and sworn to before me this 17 day of May, 1971.
[Notarial Seal] David L. Hendrix
NOTARY PUBLIC FOR OREGON

My commission expires Nov. 3, 1972

Remarks

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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.

Don A. Fowler

Description: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 35 South,
Range 3 West, W.M., and
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33, Township 34 South,
Range 3 West, W.M.

RECEIVED
MAY 24 1971
STATE ENGINEER
SALEM, OREGON