

3167
3. H. A. Hagan + Marie M. Basworth
7223 Hwy 238
Jacksonville, Ar. 77530

STATUS OF APPLICATION

Change in point of diversion
Date filed 2-12-75
Date of hearing _____
Place of hearing _____
Date of order 4-2-75 Vol. 25, page 253
Date for application of water 10-1-75
Proof mailed _____
Proof received _____
Certificate issued APR 21 1976 Vol. 34, page 42924

NOV 23 1976 Vol. 36, page 43987

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 25.0
Name of ditch _____
Date of priority 1902
In name of W. L. Shannon and
Harlan P. Marie M. Basworth Jr.
Revue River Adjudication, Vol. 4, page 22
(Orig. Cert. #16223)
App. No. _____ Per. No. _____ Cert. No. 33237
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-12-75</u>	<u>30.00</u>	<u>45224</u>
TOTAL . . .	<u>4.00</u> Cert. Fee	<u>50017</u>

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

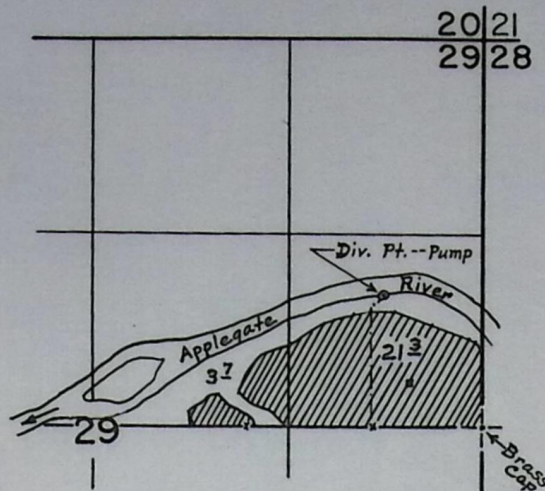
REMARKS

See B-160 & S-88
SP. Cert. V 14 P 485
& V 2 P 247

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

316

T.38S.R.3W.W.M.



Diversion Point is located 900' N. &
670' W. from the E 1/4 Cor. Sec. 29.

FINAL PROOF SURVEY
UNDER

RECEIVED

JUN 14 1976

WATER RESOURCES DEPT
SALEM, OREGON

Transfer No. 3167

Application No. _____ Permit No. _____
IN NAME OF

Harlan P. & Marie Bosworth Jr.

Surveyed Mar. 4 1976, by D.C. Hendrix

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF HARLAN P. AND MARIE M. BOSWORTH,
JR., FOR THE APPROVAL OF A CHANGE
IN POINT OF DIVERSION OF WATER FROM
APPLEGATE RIVER

ORDER APPROVING
TRANSFER NO. 3167

On February 12, 1975, Harlan P. and Marie M. Bosworth, Jr., 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 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, and as corrected by Decree of the Circuit Court for Jackson County, Oregon, entered April 23, 1945, a water right was established in the name of Charles Buman for the use of the waters of Applegate River for the irrigation of, among other lands, 25.0 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 29, Township 38 South, Range 3 West, W.M., with a date of priority of 1902, as evidenced by certificate of water right recorded at page 33237, Volume 25, State Record of Water Right Certificates.

These lands are irrigated from a point of diversion located 2096 feet South and 98 feet East from the Northeast corner of Section 29, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 38 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 1760 feet South and 635 feet West from the Northeast corner of Section 29, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 38 South, Range 3 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

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 2096 feet South and 98 feet East from the Northeast corner of Section 29, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 38 South, Range 3 West, W.M.

To a point to be located 1760 feet South and 635 feet West from the Northeast corner of Section 29, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 38 South, Range 3 West, W.M.

for the irrigation of 25.0 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 29, Township 38 South, Range 3 West, W.M., with a date of priority of 1902, 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, 1975.

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 0.64 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 Harlan P. and Marie M. Bosworth, Jr., and W. L. Shannon and recorded at page 33237, Volume 25, 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, certificate of water right shall be issued to to Harlan P. and Marie M. Bosworth, Jr., confirming the change in point of diversion.

Dated at Salem, Oregon this 2nd day of April, 1975.

/s/ CHRIS L. WHEELER
State Engineer

NOTICE
MILLERS FALLS
Gibson's Union Skin

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HARLAN P. & MARIE M. BOSWORTH JR. & W. L. SHANNON

of Route 1, Box 62, 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 16 acres in Tract No. 1 and 25 acres 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 22; that the priority of the right thereby confirmed dates from 1907 for Tract No. 1 and 1902 for Tract No. 2;

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 0.40 cubic foot per second for Tract No. 1, and 0.64 cubic foot per second for Tract No. 2.

The point of diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, T. 38 S., R. 3 W., W. M.

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

Tract No. 1

16.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 29
T. 38 S., R. 3 W., W. M.

Tract No. 2

25.0 acres S $\frac{1}{2}$ NE $\frac{1}{4}$
Section 29
T. 38 S., R. 3 W., W. M.

Note: This Certificate conforms to the provisions of a Decree and Order of the Circuit Court for Jackson County, entered April 23, 1945.

Certificate of water right issued to Charles Buman and recorded at page 16223, Volume 13, State Record of Water Right Certificates, confirms a right to the use of water for irrigation of 47 acres. Subsequently, a right to the use of water for irrigation of 6.0 acres was transferred by order of the State Engineer entered March 21, 1966. This certificate is issued to confirm the remaining right to the use of water for irrigation and to confirm a change in point of diversion approved by an order of the State Engineer entered September 18, 1951, and supersedes the certificate heretofore issued to Charles Buman.

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 19, 1966.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33237