

2527 - ... Betty M No. ...  
 14055 E. ...  
 Regent River ... 97537

2527

3453W 33

**STATUS OF APPLICATION**

Change in Point of Diversion  
 Date filed May 21, 1971  
 Date of hearing August 10, 1971  
 Place of hearing Medford, Ore.  
 Date of order 8-10-71 Vol. 21, page 180  
 Date for application of water 10-1-72  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued SEP 20 1971 Vol. 29, page 37661  
JAN 18 1977 Vol. 36 pg. 44076

**DESCRIPTION OF WATER RIGHT**

Name of stream Evans Creek  
 Trib. of - County of Jackson  
 Use Irrigation  
 Quantity of water 0.09 No. of acres 7.0  
 Name of ditch Carter  
 Date of priority December 1, 1923  
 In name of J. W. Neathamer  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 9287 Per. No. 6124 Cert. No. 7484  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by slu

**FEEES PAID**

Date	Amount	Receipt No.
5-21-71	25.00	23673
5-21-71	40.00 POK	23674
TOTAL . . .		
7-8-71	\$2. Cert. Fee	From Pub. of Not.

**FEEES REFUNDED**

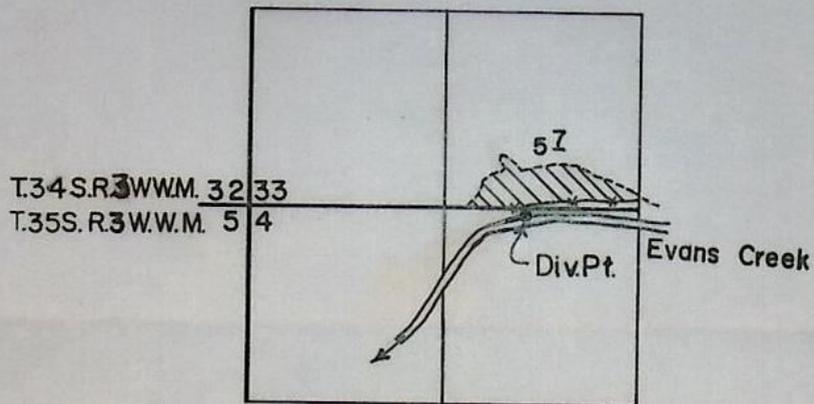
Date	Amount	Check No.
7-8-71	*13.19 Pub. of Not.	4304

**REMARKS**

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

T.34S. R.3.W.W.M.



Div.pt. is 30' S & 1875' E. from  
the SW. cor. of sec. 33

**FINAL PROOF SURVEY**  
UNDER

Trans. No. 2527

Application No. .... Permit No. ....

IN NAME OF

Elwyn L. & Betty M. Rowe

Surveyed Oct. 1 1972, by L. Crow





## STATE OF OREGON

COUNTY OF

JACKSON

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That**

ELWYN L. AND BETTY M. ROWE

of 14855 East 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 7.0 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 0.09 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., 30 feet South and 1875 feet East from the SW Corner of Section 33, T. 34 S., R. 3 W., W. M.

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:

7.0 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 33  
T. 34 S., R. 3 W., W. M.

This certificate is issued to confirm a change in point of diversion approved August 10, 1971, and together with certificate 37661 supersedes certificate of water right recorded at Page 7484.

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 44076

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

Notice is given hereby that Elwyn L. and Betty M. Rowe have filed an application for the approval of a change in point of diversion of water from Evans Creek.

Certificate of water right issued to J. W. Neathamer and recorded at page 7484, Volume 7, State Record of Water Right Certificates, confirms a right to the use of 0.14 cubic foot per second of water from Evans Creek for the irrigation of, among other lands, 7.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 33, T. 34 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.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 20 ft. S and 860 ft. W from the S $\frac{1}{4}$  corner of Sec. 33 being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  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 10, 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 Elwyn L. and Betty M. Rowe, 14855 East Evans Creek Rd., Rogue River, 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 8<sup>th</sup> day of June, 1971.

CHRIS L. WHEELER  
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF ELWYN L. AND BETTY M. ROWE FOR )  
THE APPROVAL OF A CHANGE IN POINT )  
OF DIVERSION OF WATER FROM EVANS )  
CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 2527

On May 21, 1971, Elwyn L. and Betty M. Rowe 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 J. W. Neathamer and recorded at page 7484, Volume 7, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.14 cubic foot per second of water from Evans Creek for the irrigation of, among other lands, 7.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 34 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 applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 20 feet south and 860 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 10, 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 16, 23, and 30, 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 20 feet south and 860 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 7.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 34 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 0.09 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.

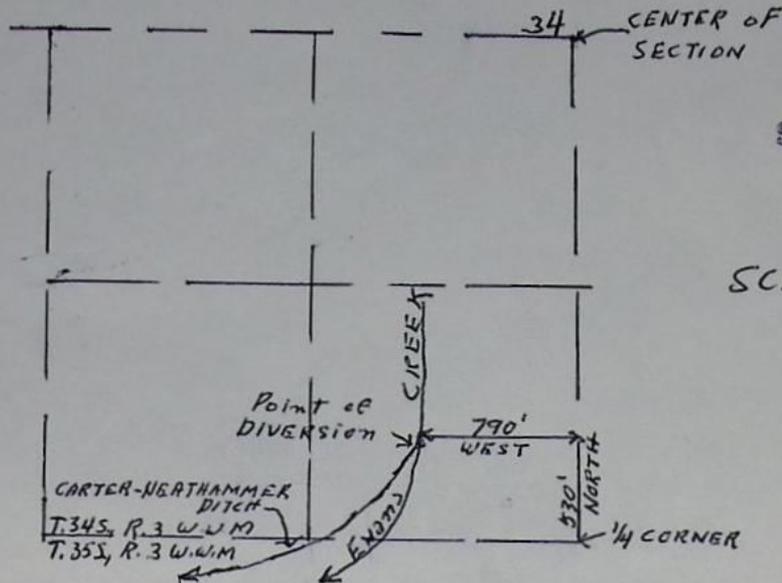
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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. Neathamer and recorded at page 7484, Volume 7, 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 Elwyn L. and Betty M. Rowe.

Dated at Salem, Oregon, this 10<sup>th</sup> day of August, 1971.

/s/ CHRIS L. WHEELER  
State Engineer

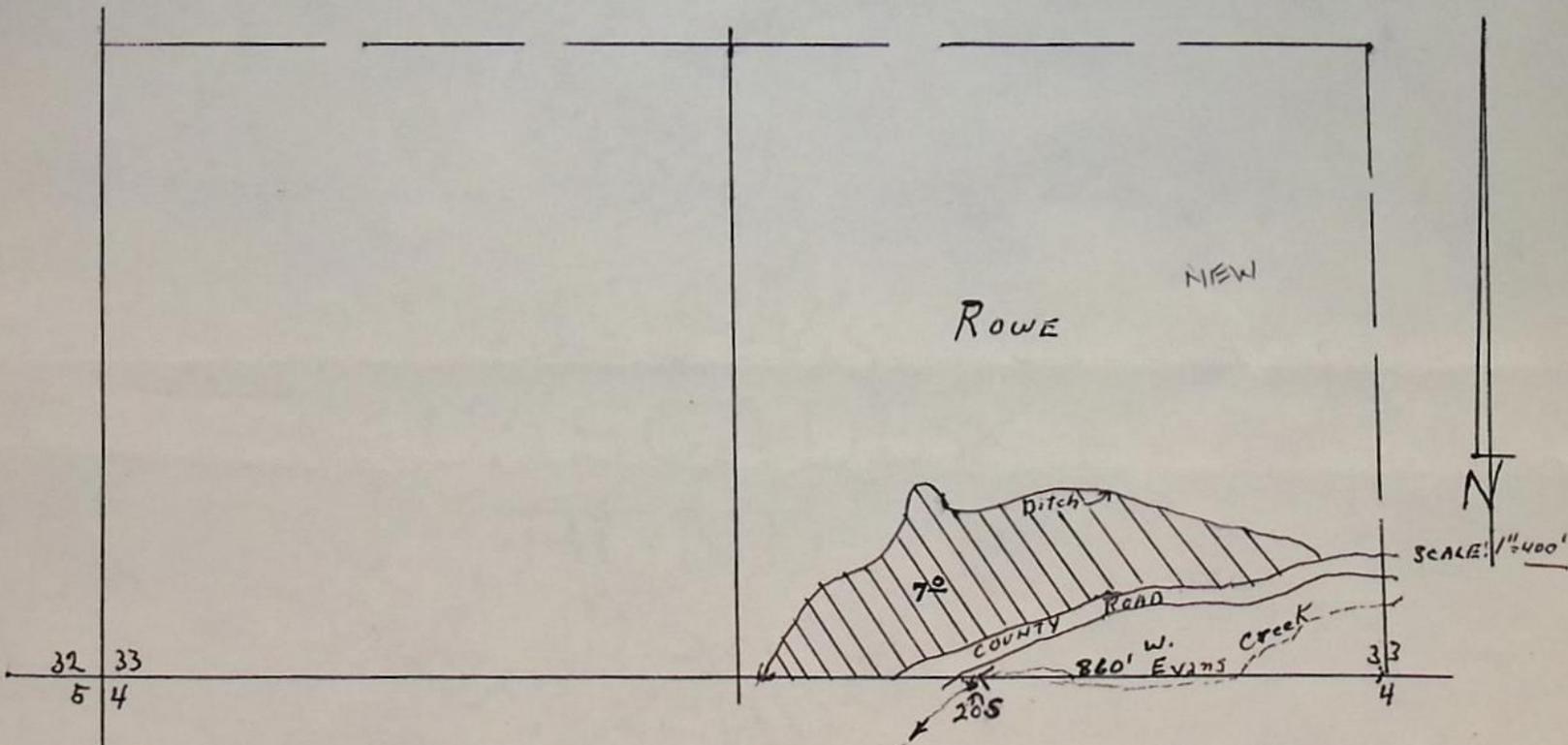


**RECEIVED**  
MAY 21 1971  
STATE ENGINEER  
SALEM, OREGON

SCALE: 1" = 1000'

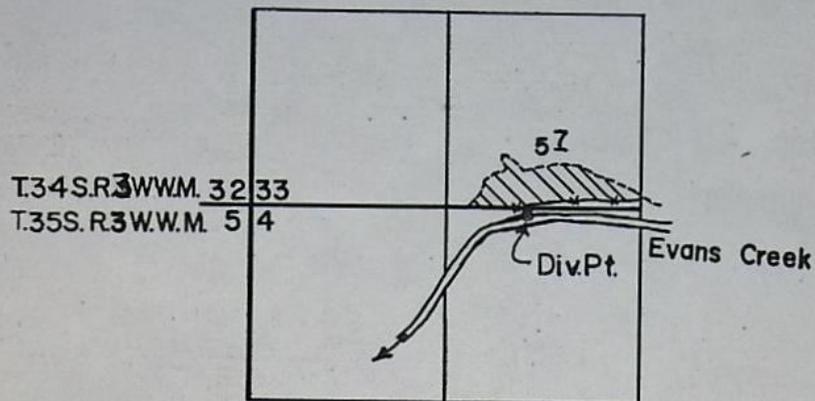
OLD

SEC. 33, T. 34S., R. 3 W.W.M.



Map To Accompany Application for Elwyn L. Rowe and Betty M. Rowe for a Change of point of Diversion in the name of Elwyn L. Rowe & Betty M. Rowe

T.34S. R.3.W.W.M.



Div.pt. is 30' S & 1875' E from  
the SW. cor. of sec. 33.

**FINAL PROOF SURVEY**  
UNDER

Trans. No. 2527

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_

IN NAME OF

Elwyn L. & Betty M. Rowe

Surveyed Oct. 1, 1972, by L. Crow

Transfer No. 2527

NOTICE OF COMPLETION OF CONSTRUCTION

I, Shiryn L. Rowe & Betty M., hereby certify  
that the construction work has been completed and the change in  
point of diversion of water made as set forth in the order of  
the State Engineer dated August 10, 1971, approving an appli-  
cation for a change in point of diversion of water from \_\_\_\_\_  
Evans Creek.

Aug. 25, 1971  
Date

Shiryn Rowe  
Name

**RECEIVED**  
AUG 30 1971  
STATE ENGINEER  
SALEM, OREGON

2527

# Ashland Daily Tidings

**RECEIVED**  
JUL 12 1971

Since 1876

**STATE ENGINEER**  
**SALEM OREGON**

P.O. BOX 340, ASHLAND, OREGON • 97520

**RECEIVED**  
JUL 2 1971

**STATE ENGINEER**  
**SALEM OREGON**

┌ State of Oregon  
 State Engineer  
 Water Resources Dept.  
 516 Public Service Bldg.  
 Salem, Oregon 97310

└

June 16, 1971 58 Legal Lines \$24.81

Notice - Change Rowe

**PAID**  
24<sup>81</sup>

Date 7-10

ASHLAND DAILY TIDINGS

OREGON,

of Jackson,

} ss.

Betty Duty

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;

WASHINGTON (UPI)—Nixon Administration officials soon will announce their first limited moves to control inflationary construction industry prices, UPI has learned. A major part of the plan is expected to be a regulation that

**Price Curbs  
In Building  
Trade Seen**

generated concern, particularly in the Pentagon and the U.S. security agencies.

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 16th day of June, 1971, and ending with the issue dated the 30th day of June, 1971.

That the price actually charged for this notice was \$24.81.

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

Subscribed and sworn to before me this 30th day of June, 1971.

Betty Duty  
Notary Public for Oregon.

(My commission expires 10-5-74)

OREGON,

ss.

of Jackson,

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 preceding 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 Elwyn L. and Betty M. Rowe have filed an application for the approval of a change in point of diversion of water from Evans Creek.

Certificate of water right issued to J.W. Neathamer and recorded at page 7484, Volume 7, State Record of Water Right Certificates, confirms a right to the use of 0.14 cubic foot per second of water from Evans Creek for the irrigation of, among other land 7.0 acres in SE 1/4 SW 1/4, Sec. 33, T. 34 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 applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 20 ft. S and 860 ft. W from the S 1/4 corner of Sec. 33 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 10, 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 Elwyn L. and Betty M. Rowe, 14855 East Evans Creek Rd., Rogue River, 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 8th day of June, 1971.  
CHRIS L. WHEELER  
State Engineer

was published in the <sup>three</sup> ..... success  
dated the 16th .....  
issue dated 30th .....  
That the price actu  
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charitable purposes.

Subscribed and sw

wspaper once a week for  
commencing with the issue  
, and ending with the  
..... 19 .. 71 ..

\$..... \$24.81 .....

legal rate was made for

Betty Duty  
.....  
y of June, 1971 ..  
.....  
Public for Oregon.  
(10-5-74 ..)

WATERMASTER DISTRICT NO. 13  
COUNTY COURTHOUSE  
MEDFORD 97501  
TEL. 773-6211, EXT. 241



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
May 20, 1971

WATER DISTRIBUTION  
HYDROGRAPHIC SURVEYS  
SNOW SURVEYS

REFER TO  
FILE NO. \_\_\_\_\_

**RECEIVED**  
MAY 21 1971  
STATE ENGINEER  
SALEM OREGON

Mr. Chris L. Wheeler  
State Engineer  
Salem, Oregon

Attention: Mr. Larry Jebousek, Assistant

Dear Mr. Jebousek:

I am enclosing an application in the names of Elwyn L. and Betty M. Rowe of 14855 East Evans Creek Road, Rogue River, Oregon 97537, for a change in point of diversion of water from Evans Creek, together with his map tracing, legal land description, and personal check in the sum of \$65.00 to cover transfer and advertising fees, and permission from the Fowlers to establish a diversion point on their property.

The Rowes have requested that the advertising notice be placed in the Ashland Daily Tidings, Ashland, Oregon 97520.

It is my opinion that this proposed change in point of diversion may be made without injury to existing rights and I believe that the second provision relative to pumping plants would be the best to incorporate within the order.

Very truly yours,  
*David C. Hendrix*  
David C. Hendrix  
Water Master, District 13

DCH:pg  
enclosures

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Elwyn L. and Betty M. Rowe  
(Name of applicant)

Rogue River,  
of 14855 East Evans Creek Road, / Jackson County of Jackson  
(Postoffice)

State of Oregon 97537, do hereby make application for change in point of

diversion.  
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Evans Creek  
(Name of stream)

2. The use to which the water is applied is irrigation.  
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Carter Ditch.

4. The point of diversion is located 530 ft. N. and 790 ft. W. from the S<sup>1</sup>/<sub>4</sub>  
(N. or S.) (E. or W.)

corner of Section 34 being within the SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
(Section or subdivision)

of Section 34 Tp. 34 S. R. 3 W. W. M., in the County of Jackson.  
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4				
			NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	
34 S	3 W	33																	7.0

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes.  
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes.

8. What is the date of priority of your water right? December 1, 1923.

9. Was your water right acquired by State Engineer's Permit? Yes. If so, give number  
(Yes or No)  
of permit 6124.

*close*

*Permit  
0.09  
11.0 Ac  
0-14-85*

10. Do you hold a water right certificate? Yes... If so, give number of certificate 2484  
(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, J. W. 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 20 ft. S. and 860 ft. W. from the S $\frac{1}{4}$   
(N. or S.) (E. or W.)  
 corner of Sec. 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? No

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.  
Don Fowler (see enclosed permission).  
P. O. Box 162  
Ashland, Oregon 97520

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

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, Elwyn L. Rowe and Betty M. Rowe, 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 10th day of May, 1971.

Betty M. Rowe
Elwyn L. Rowe
(Name of applicant)

Subscribed and sworn to before me this 10th day of May, 1971.

[Notarial Seal]

Phyllis Hilman
NOTARY PUBLIC FOR OREGON

My commission expires 3-2-73

Remarks

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.

RECEIVED  
MAY 21 1971  
STATE ENGINEER  
SALEM, OREGON

69-11165

CONTRACT OF SALE

This contract made in triplicate, on this 8<sup>th</sup> day of July, 1966, between CHARLES F. JACKSON and MAE N. JACKSON, husband and wife, hereinafter called first party, whether singular or plural, and ELVIN E. ROWE and BETTY N. ROWE, husband and wife, hereinafter called second party, whether singular or plural,

WITNESSETH:

1. First party agrees to sell and second party agrees to purchase the following described real property in Jackson County, Oregon, to-wit:

The Southeast Quarter of the Southwest Quarter of Section 33 in Township 34 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon.

SUBJECT TO:

34346-1100

62-1

JU70-02311

1. That part lying within the public roads.
2. Rights of way for the transmission and distribution of electricity, and for other purposes, granted to The California Oregon Power Company, a California corporation, by instruments recorded in Volume 320 page 424, and Volume 377 page 305, of the Deed Records of Jackson County, Oregon.
3. A perpetual easement and right of way, for a roadway, and rights in connection therewith, granted to The United States of America, by instrument recorded May 3, 1959, in Volume 471 page 435 of the Deed records of Jackson County, Oregon.
4. Interest of the County of Jackson, for road purposes, by Quitclaim Deed recorded September 11, 1962, in Volume 533 page 1 of the Deed Records of Jackson County, Oregon.
5. Any encumbrance created by a financing statement being filed in the office of the County Clerk covering growing crops or fixtures wherein the land is described other than by notes and bounds, the rectangular survey system or by recorded lot and block.
6. Any encumbrances created by financing statements being filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and any encumbrances created by a financing statement being filed in the office of the County Clerk covering timber on the premises wherein the lands are described other than by notes and bounds or under the rectangular survey system.

2. Second party agrees to pay the full sum of Twenty thousand dollars (\$20,000.00) for said property as follows: Five thousand dollars (\$5,000.00) already paid, receipt whereof is hereby acknowledged and the remaining balance

12-5-69

REVOCABLE PERMISSION TO  
INSTALL PUMPING PLANT  
ON CERTAIN LANDS

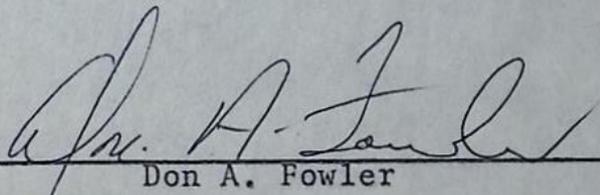
**RECEIVED**  
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STATE ENGINEER  
SALEM OREGON

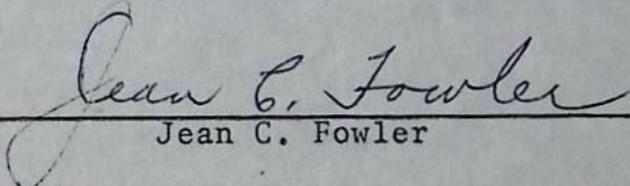
For and in consideration of the sum of ONE (\$1.00) DOLLAR, we, DON A. FOWLER and JEAN C. FOWLER, husband and wife, do hereby give and grant unto ELWYN ROWE and BETTY ROWE, husband and wife, permission to install an irrigation pump and necessary accessories, on our lands, said pumping plant to be located at a site approximately thirty (30) feet South and 860 feet West from the south quarter corner of Section 33, being within the Northeast Quarter of the Northwest Quarter of Section 4, Township 35 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon.

This permit includes the right to carry the water from said pumping plant across our lands to the permittee's property.

This permit may be revoked by us at any time upon sixty (60) days written notice to the permittees.

DATED this 18 day of May, 1971.

  
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Don A. Fowler

  
\_\_\_\_\_  
Jean C. Fowler