

3441 Cecil L. Brown
3100 Fish Hatchery Road
Shasta Pass, CA

3441

STATUS OF APPLICATION

Change in point of diversion
Date filed 8-9-76
Date of hearing 1-13-77
Place of hearing Shasta Pass
Date of order 1-17-77 Vol. 28, page 259
Date for application of water 10-1-78
Proof mailed _____
Proof received _____
Certificate issued **NOV 28 1977** Vol. 37, page 44960
JAN 22 1987 51 55497

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River
Trib. of _____ County of Josephine
Use irrigation
Quantity of water _____ No. of acres 6 6
Name of ditch Wilderville
Date of priority February 1899
In name of Don M. and Della D. Flippin
Rogue River Adjudication, Vol. 16, page 414
App. No. _____ Per. No. _____ Cert. No. 32921
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-9-76</u>	<u>35.00</u>	<u>55401</u>
<u>8-9-76</u>	<u>45.00 POW</u>	<u>55402</u>
TOTAL . . .	<u>2 00</u>	<u>55402</u>
<u>12/15/76</u>	Cert. Fee	

Paid Newspaper \$42.16 Courier Publ. Co.
12/15/76 Part 7 Ch. # 1032

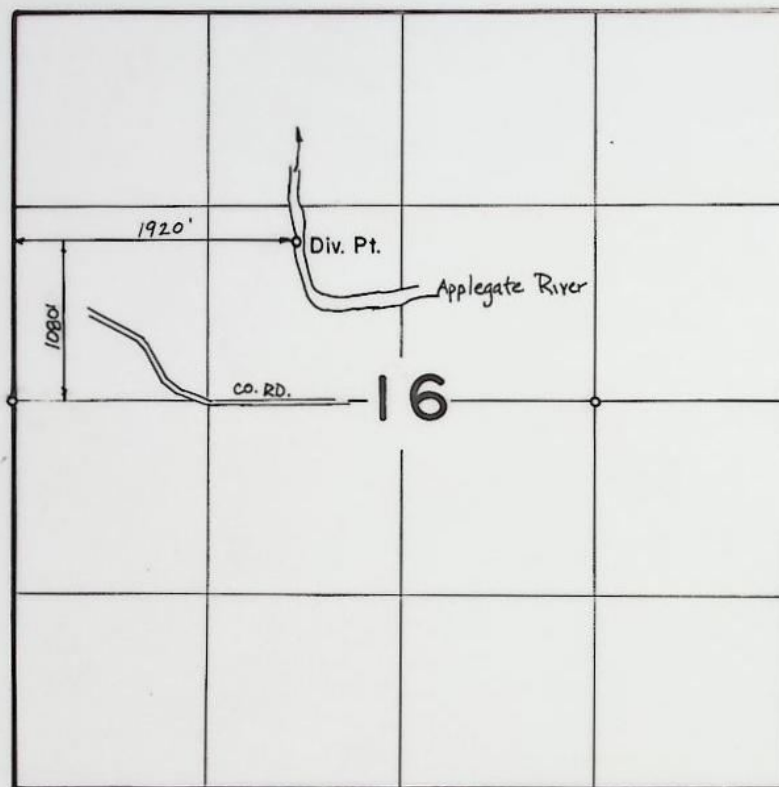
FEES REFUNDED

Date	Amount	Check No.
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REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
	<u>WA</u> Name	<u>✓</u>	
<u>WA</u> Stream	<u>✓</u>		
<u>WA</u> Pt. of Div.	<u>✓</u>		
<u>WA</u> Calendar	<u>✓</u>		
	CHECKED TO RECORDS:		
<u>0</u> Twp. & Rge.	<u>GLS</u>		
<u>✓</u> Decree-vault	<u>lg</u>		
<u>✓</u> Decree-map	<u>lg</u>		
<u>✓</u> Cert. of W/R	<u>lg</u>		
Per. Folder			
Chaindex			
Cross Ref.			
Power Claim			
<u>✓</u> Abstracts	<u>✓</u>		

T.37S., R.6W., W.M.



FINAL PROOF SURVEY
UNDER

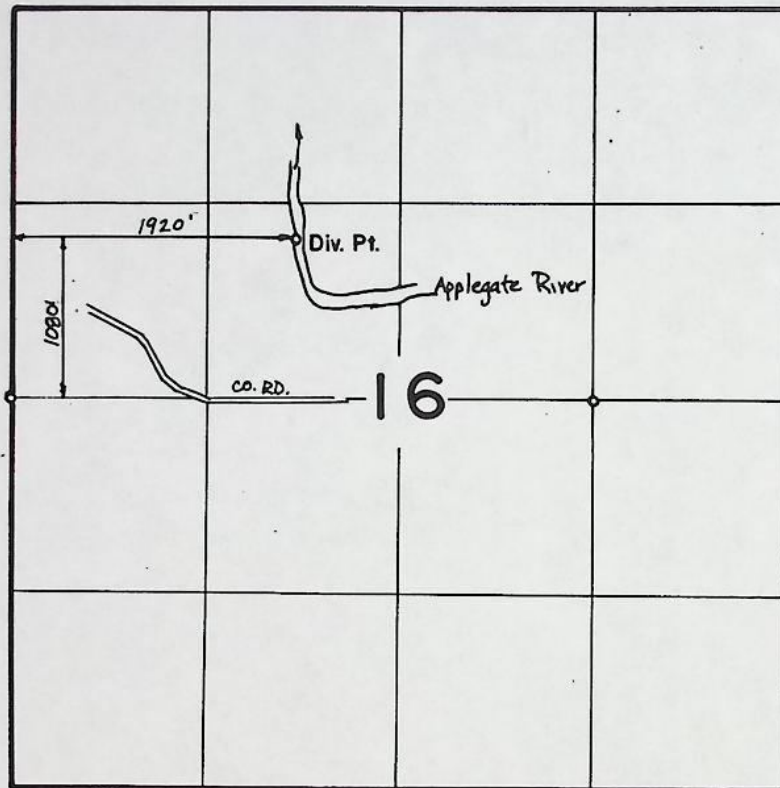
TRANSFER NO. 3441

IN NAME OF

W. W. & RUTH COWIN

Surveyed OCT. 17, 1983, by B. S. JAMES

T.37S., R.6W., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3441

IN NAME OF

.....**W. W. & RUTH COWIN**.....

Surveyed OCT. 17, 1983, by B. S. JAMES.....



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

February 8, 1979

Mr. Cecil L. Brown
3100 Fish Hatchery Road
Grants Pass, Oregon 97526

RECEIVED

FEB 14 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

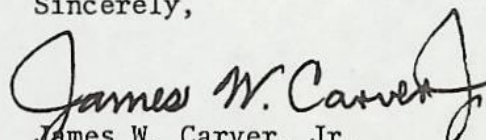
RE: File No. T- 3441

The time allowed for completion of the change in point of diversion of water from Applegate River, proposed by your water right transfer application No. 3441, expired on October 1, 1978.

If the authorized change(s) was/were accomplished on or before said date, please fill out and sign the statement of completion at the bottom of this letter and send it to us.

If you were unable to fully accomplish the change within the time allowed, but were diligently working on it and, therefore, you want to apply for an extension of the time limit, check the box at the very bottom of this letter to request the proper application form.

Sincerely,


James W. Carver, Jr.
Engineer

JWC:lcj

STATEMENT OF COMPLETION

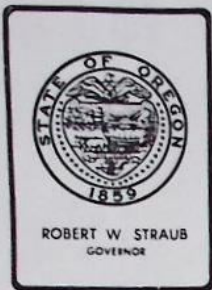
I hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving water right transfer application No. 3441 was accomplished by Todirigton, 19 ~~76~~ 76

2-12-79
Date

Cecil L. Brown
Signature



Please send form for application for extension of time limit.



Water Resources Department

MILL CREEK OFFICE PARK

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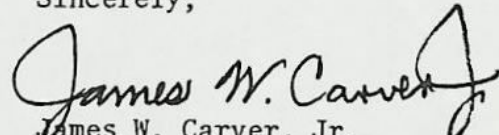
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STATEMENT OF COMPLETION

I hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving water right transfer application No. 3441 was accomplished by _____, 19__.

Date

Signature



Please send form for application for extension of time limit.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE)
PARTIAL CANCELATION OF)
A WATER RIGHT IN THE)
NAME OF DON M. AND)
DELLA D. FLIPPIN)

O R D E R

On December 16, 1976, Cecil and Geneva Brown submitted an affidavit that they are the owners of a water right and the lands to which the right is appurtenant; that they have abandoned any and all interest in and to said water right and request the same be canceled.

The water right in question is a portion of the right evidenced by certificate issued to Don M. and Della D. Flippin and recorded at Page 32921, Volume 24, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.008 cubic foot per second of water from Applegate River, with a date of priority of February, 1899, for the irrigation of 0.4 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 37 South, Range 6 West, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancelation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right evidenced by certificate recorded at Page 32921, Volume 24, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 17th day of January, 1977.

/s/ JAMES E. SEXSON
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

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PARTIAL CANCELIATION OF)
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DELLA D. FLIPPIN)
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Dated at Salem, Oregon, this 17th day of January, 1977.

/s/ JAMES E. SEXSON
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF CECIL L. BROWN FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM APPLGATE RIVER)

ORDER APPROVING
TRANSFER NO. 3441

On August 9, 1976, Cecil L. Brown filed an application in the office of the Water Resources Director 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.

Certificate of water right recorded at Page 32921, Volume 24, State Record of Water Right Certificates, in the name of Don M. and Della D. Flippin, describes an existing right of record which includes the use of not to exceed 0.195 cubic foot per second from Applegate River for irrigation of 9.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 37 South, Range 6 West, W.M., with a date of priority of February, 1899.

Water for the said right is diverted through the Wilderville ditch from a point located 650 feet South and 890 feet East from the West quarter-corner of Section 15, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 37 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion for said lands from the said point to a point located 1550 feet South and 800 feet West from the North quarter-corner of Section 16, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 37 South, Range 6 West, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Grants Pass Daily Courier, a newspaper printed and having general

circulation in Josephine County, Oregon, for a period of three weeks in the issues of November 19, 26 and December 3, 1976.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 requested change in point of diversion from Applegate River, described herein, without loss of priority, is approved.

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 0.195 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 head-gates 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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Don M. and Della D. Flippin and recorded at Page 32921, Volume 24, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved

ALL COTTON

in this proceeding or a proceeding for cancelation of a portion of the right described by said prior certificate, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to Cecil L. Brown.

Dated at Salem, Oregon, this 17th day of January, 1977.

/s/ JAMES E. SEXSON
Director

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON

T-3441

RECEIVED

AUG-9 1976

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

SEP-7 1976

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

OCT 28 1976

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

Water Resources Director
To the STATE ENGINEER OF OREGON:I, Cecil L Brown

(Name of applicant)

of 3100 Fish Hatchery Rd, Grants Pass, County of Josephine Co.
(Postoffice)State of Oregon, 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 Apple Gate River
(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 Wilderville4. The point of diversion is located 650 ft. S and 890 ft. E from the W 1/4 corner
(N. or S.) (E. or W.)corner of Sec 15 being within the N.W. 1/4 S.W. 1/4
(Section or subdivision)of Section 15 Tp. 37 S R. 6 W W. M., in the County of Josephine Co
(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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
37 ^S	6 ^W	16							2.06									

Part

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

0.19 cfs

(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? Yes8. What is the date of priority of your water right? FEBRUARY 18999. Was your water right acquired by State Engineer's Permit? No If so, give number
(Yes or No)

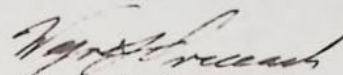
of permit

BY THE COURT:
JAMES H. HENDERSON, JR.
CLERK OF COURT
RECEIVED

At some future date, if you should sell part of the property, the new owners of that part of the property could apply for a change back to the point where the Wilderville Ditch diverts water from the Applegate River or to any other point where they may wish to divert water from the River.

I am returning your application and map for completion.

Sincerely,


Wayne J. Overcash
Water Rights Engineer

WJO:cc

It is not my intent to irrigate the 16.5 acres strip land in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of the section referred to in the second paragraph of this letter. It is merely a ditch to relieve flooding from the river.

As to paragraph #4 and the intent to irrigate all my lands from the new point of diversion, this is not the case. I wish to leave the most southerly 3 acres of this land under the Wilderville Ditch system. The northerly 9.6 acres as reflected in this application and shown on the accompanying map will be from the new point of diversion.


10-27-76

RECEIVED

OCT 28 1976

WATER RESOURCES DEPT
SALEM, OREGON

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS DESIGNED TO CONVEY THE WATER TO THE PLACE OF USE. THE MAP MUST BE PREPARED BY THE APPLICANT OR A PROFESSIONAL ENGINEER.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Josephine

SS.

I, Cecil L. Brown, 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 6th day of August, 1976.

Cecil L. Brown
(Name of applicant)

Subscribed and sworn to before me this 6th day of August, 1976.

[Notarial Seal]

Robert B. Stearns
NOTARY PUBLIC FOR OREGON

My commission expires Nov. 3, 1976

Remarks

Please survey regardless. The water right allows more land than I own

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.

AFFIDAVIT

RECEIVED

DEC 16 1976

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

County of JOSEPHINE

SS

I, CECIL L. BROWN & GENEVA BROWN, being first duly sworn, depose and say that I am the owner of tax lot 502 located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 37 South, Range 6 West, Josephine County and also a 16.5' strip of land located on the west, north south line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the water right appurtenant thereto. I hereby voluntarily abandon that portion of the water right located in the 16.5' strip on the west side of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ which was filed in the name of Don M. and Della D. Flippin, containing 0.4 acres under certificate 32921, conveyed through the Wilderville Ditch from the Applegate River with a priority date of 1899. I abandon any and all interest in and to said portion of the water right.

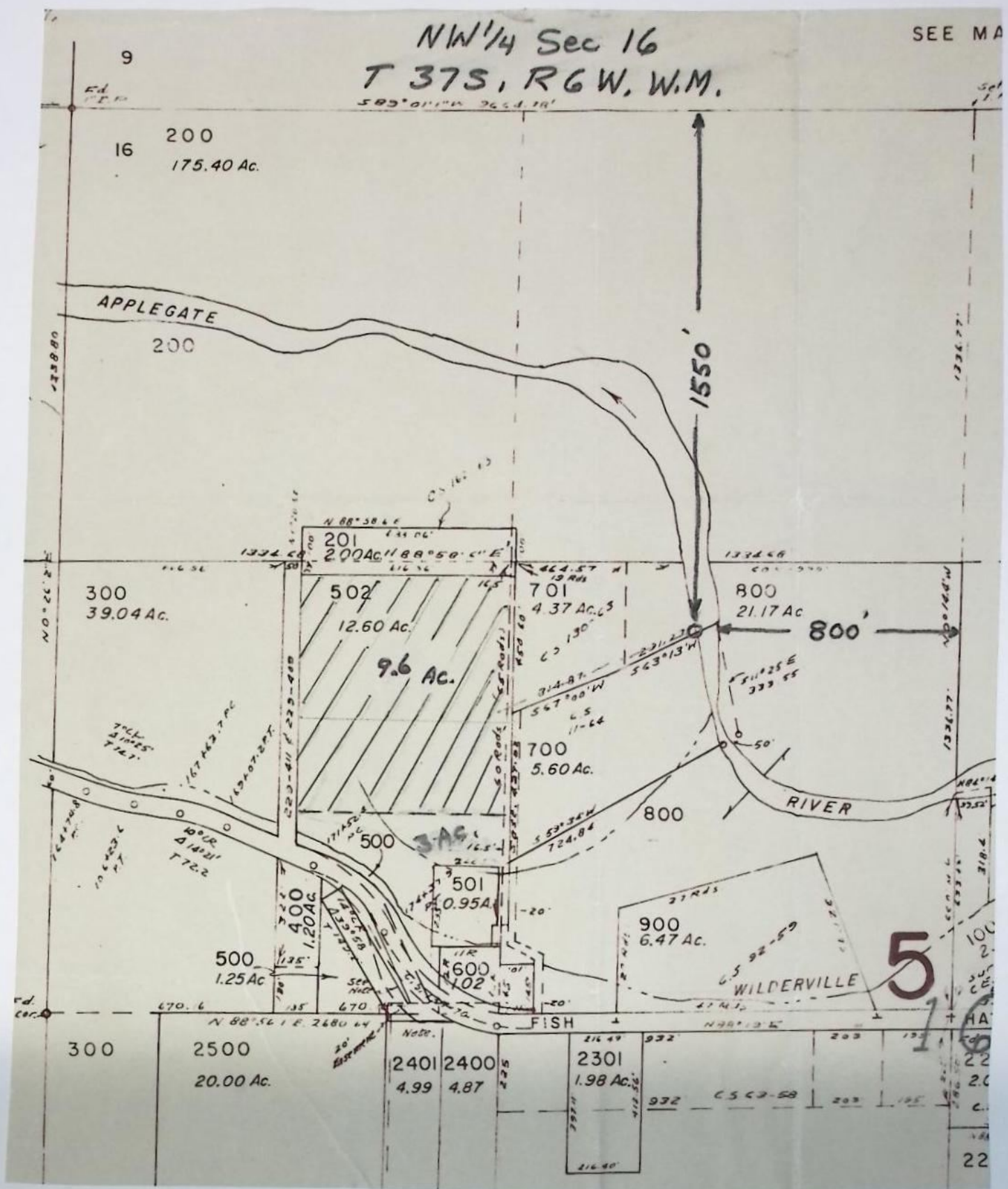
IN WITNESS WHEREOF, I have hereunto set my hand
this 24 day of NOVEMBER, 1976.

Cecil L Brown
Geneva Brown

Subscribed and sworn to before me this 24
day of November, 1976.

Robert B. Stearns
Notary Public of Oregon

My commission expires Nov. 3 1980.



LEGAL NOTICE

NOTICE OF WATER RIGHT
TRANSFER APPLICATION NO.

3441

FOR CHANGE IN POINT OF
DIVERSION

Notice is given hereby that Cecil L. Brown has filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from Applegate River.

Certificate of water right recorded at Page 32921, Vol. 24, State Record of Water Right Certificates, in the name of Don M. and Della D. Flippin, describes an existing right of record which includes the use of not to exceed 0.19 cubic foot per second from Applegate River for irrigation of 9.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 37 S., R. 6 W., W.M., with a date of priority of February, 1899.

Water for the said right is diverted through the Wilderville ditch from a point located 650 ft. S. and 890 ft. E. from the W. $\frac{1}{4}$ corner of Sec. 15, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 15, T. 37 S., R. 6 W., W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion for said lands from the said point to a point located 1550 ft. S. and 800 ft. W. from the N. $\frac{1}{4}$ corner of Sec. 16, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 16, T. 37 S., R. 6 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on January 13, 1977, 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 Cecil L. Brown, 3100 Fish Hatchery Road, Grants Pass, Or. 97526, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this
th day of November, 1976.

JAMES E. SEXSON

Director

Fri. Nov. 19, 26 & Dec. 3,

AFFIDAVIT OF PUBLICATION

RECEIVED

DEC-7 1976

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon }
County of Josephine } ss.

I, Charles J. Moore, being
first duly sworn, depose and say that I am the owner, editor, publisher,
manager, advertising manager, principal clerk of the Grants Pass Daily
Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper
of general circulation, as defined by ORS 193.010 and 193.020; printed and
published at Grants Pass, in the aforesaid county and state; that the
NOTICE OF WATER RIGHT TRANSFER APPLICATION
NO. 3441 FOR CHANGE IN POINT OF DIVERSION, 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 November 19, 26, and December 3, 1976

Charles J. Moore
Subscribed and sworn to before me this 3rd day of
December, 19 76

Kathleen Zaluski
Notary Public of Oregon.

My commission expires 4th day of February, 19 80.

August 18, 1976

File Tr-3441

Cecil L. Brown
3100 Fish Hatchery Road
Grants Pass, OR 97526

Dear Mr. Brown:

Your application for a change in point of diversion of water from the Applegate River has been filed as number 3441. The map and fees of \$80.00 were also received.

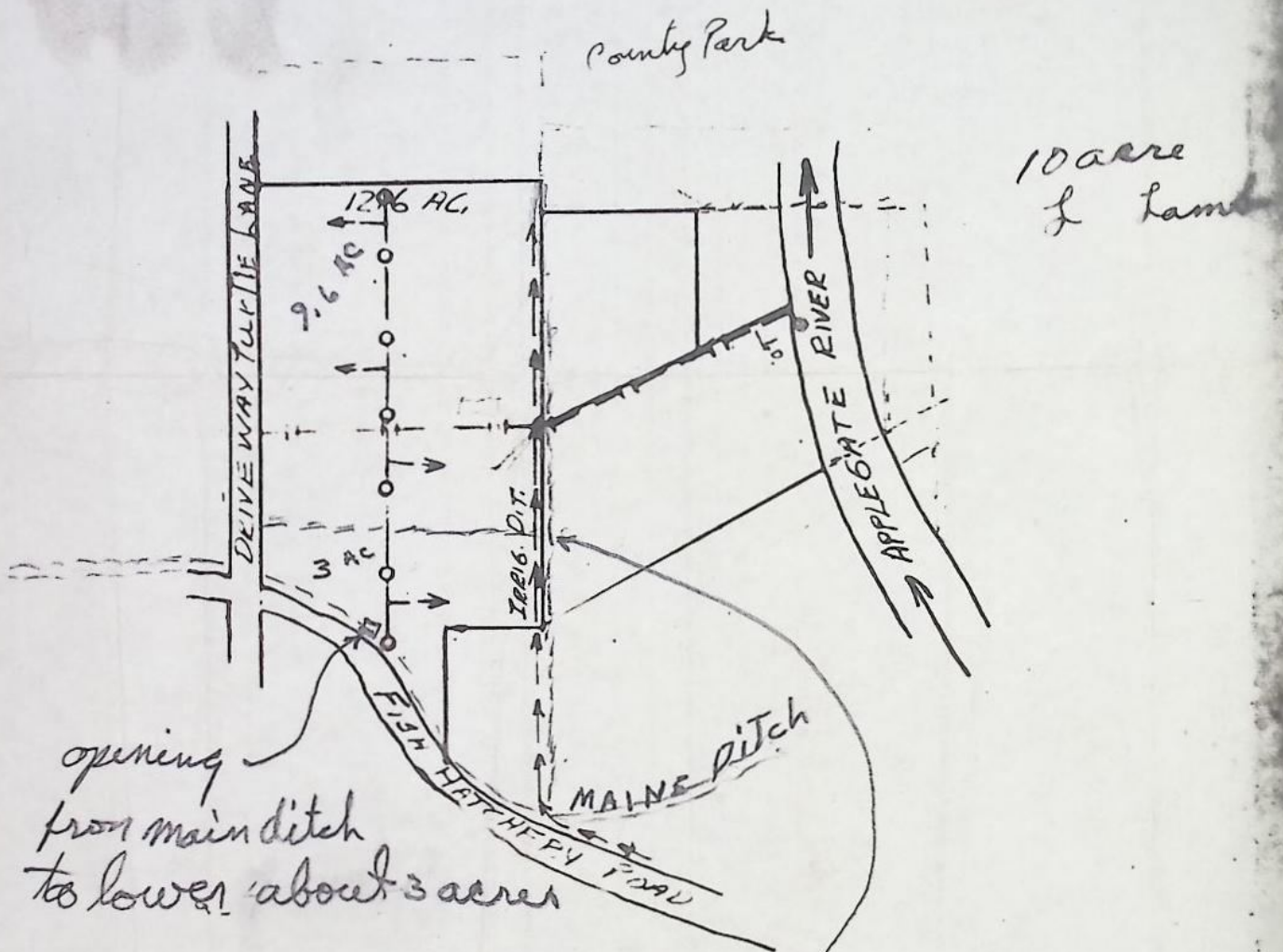
I recently discussed your proposed transfer with Dee Campbell, our representative in your area. I understand she provided you with some assistance in gathering information to complete your application and map. Ms. Campbell indicated that it was your intention to continue use of the Wilderville Ditch for conveying water to the southerly portion of your property and to irrigate the northerly portion up to the northline of the $S\frac{1}{2}$ NW $\frac{1}{4}$ of Section 16 by means of the new point of diversion.

Your supporting map presently locates the acreage to be irrigated from the new point about thirty feet south of the aforementioned northline of the $S\frac{1}{2}$ NW $\frac{1}{4}$ and does not include any of the acreage allowed a right in the strip of land 16.5 feet wide on the West side of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ North of the Wilderville Ditch.

Therefore, if it is your intention to irrigate the northerly 6.6 acres of your property in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, you may amend your map and item 5 on your application by correcting the location of the acreage to be irrigated from the new point of diversion and by noting the number of acres in each quarter-quarter section involved on the map and in item No. 5.

CECIL BROWN IRRIGATION SYSTEM LAYOUT

RECEIVED
SEP-1-1976
WATER RESOURCES DEPT
STATE OF OREGON



this ditch is for the upper
part of my land. that i need
the piping for
H.P. BEACH
6-76
old ditch will be discontinued
it is washed out