

Harold W. Clouse  
3402 442 Rogue River  
Grants Pass 97526

3402

STATUS OF APPLICATION

Change in point of diversion  
Date filed 4-30-76  
Date of hearing 7-20-76  
Place of hearing Grants Pass  
Date of order 12-16-76 Vol. 28, page 204  
Date for application of water 10-1-78  
Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued NOV 28 1977 Vol. 37, page 44959

FEB 25 1980

Survey 5/77  
42 49052

DESCRIPTION OF WATER RIGHT

Name of stream Rogue River  
Trib. of \_\_\_\_\_ County of Josephine  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 18  
Name of ditch \_\_\_\_\_  
Date of priority November 5, 1945  
In name of Mrs. H. D. Huskey  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 21263 Per. No. 16661 Cert. No. 15677  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>4-30-76</u>	<u>35.00</u>	<u>54807</u>
<u>5-12-76</u>	<u>45 Pon</u>	<u>54994</u>
<u>6-28-76</u>	<u>(4.00)</u>	<u>54994</u>
TOTAL . . .	<u>84.00</u>	
<u>6-28-76</u>	Cert. Fee	<u>54994</u>
Daily Courier	<u>\$38.50</u>	Paid

FEES REFUNDED

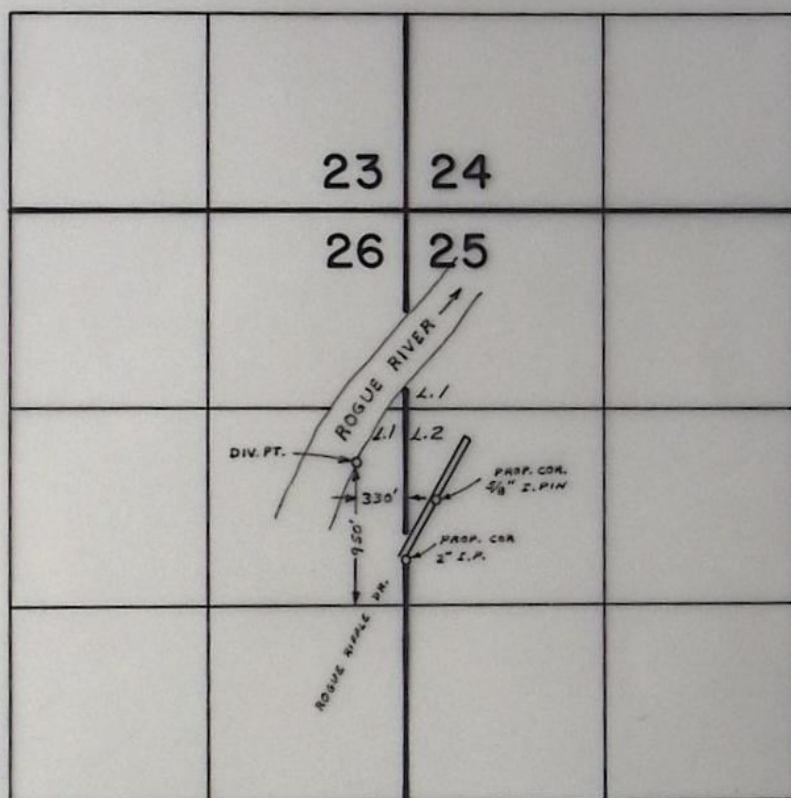
Date	Amount	Check No.
<u>6-28-76</u>	<u>\$ 2.50</u>	<u>686</u>

REMARKS

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



T. 35 S., R. 7 W., W. M.



# FINAL PROOF SURVEY

## UNDER

Transfer No. 3402

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF \_\_\_\_\_

HAROLD CLOUSE

Surveyed OCT. 10 1978 by B. SUND



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF HAROLD W. CLOUSE FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM ROGUE RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. 3402

On April 30, 1976, Harold W. Clouse filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Rogue River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 15677, Volume 13, State Record of Water Right Certificates, in the name of Mrs. H. D. Huskey, describes an existing right of record which includes the use of not to exceed 0.02 cubic foot per second from Rogue River for irrigation of a certain 1.0 acre in Lot 2 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 25, and 0.8 acre in Lot 1 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 26, Township 35 South, Range 7 West, W.M., with a date of priority of November 5, 1945.

Water for the said right is diverted from a point located 20 feet South and 1000 feet West from the East quarter-corner of Section 26, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 26, Township 35 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion to a point located 950 feet North and 330 feet West from the East quarter-corner of Section 26, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26, Township 35 South, Range 7 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 May 25, June 1 and 8, 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 Rogue River, as 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 0.02 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 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 Mrs. H. D. Huskey and recorded at Page 15677, Volume 13, 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 in this proceeding, 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 Harold W. Clouse.

Dated at Salem, Oregon, this 16th day of December, 1976.

/s/ JAMES E. SEXSON  
Director



45836

T-3402

WARRANTY DEED  
Grantees as Tenants by Entirety)

CRATER TITLE INSURANCE CO. P. O. BOX 336 604 W. MAIN ST., MEDFORD, OREGON  
JOSEPHINE COUNTY TITLE CO. P. O. BOX 71, 507 N.E. 6th ST., GRANTS PASS, OREGON

① 34979 35-7-25-900

VOL 318 PAGE 541

KNOW ALL MEN BY THESE PRESENTS, That HARRY L. JACKSON AND ALFRED H. JACKSON

for the consideration hereinafter stated to the grantor paid by HAROLD W. CLOUSE AND MARILYN CLOUSE, hereinafter called the grantor, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Josephine, State of Oregon, described as follows, to-wit:

Lot 3, Block A, ROGUE RIFFLES SUBDIVISION, Josephine County, Oregon.

RECEIVED

APR 30 1976

WATER RESOURCES DEPT  
SALEM, OREGON

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except 1975-76 Real Property Taxes are now a lien but not yet payable; rights of State of Ore. & U.S.A. in & to any portion lying below ordinary high water line of Rogue River; easements of record.

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 34,000.00

In construing this deed and where the context so requires, the singular includes the plural, the masculine includes the feminine and the neuter and, generally, all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

Witness our hands and seals this 9th day of September, 1975.

(SEAL)

HARRY L. JACKSON

(SEAL)

(SEAL)

ALFRED H. JACKSON

(SEAL)

STATE OF OREGON CALIFORNIA

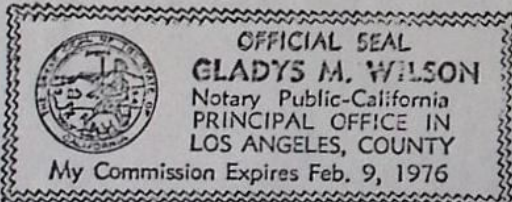
ss

County of Los Angeles

September 9, 1975

BEFORE ME PERSONALLY appeared the above named HARRY L. JACKSON AND ALFRED H. JACKSON

and acknowledged the foregoing instrument to be their voluntary act and deed.



(SEAL)

Gladys M. Wilson  
Notary Public for Oregon CALIFORNIA  
My Commission expires:

WARRANTY DEED

State of Oregon } ss.  
County of }  
I hereby certify that the within instrument of writing was received and filed at o'clock M. the day of 19 and is recorded in Records for County, Oregon.  
County Clerk By Deputy

RETURN TO

Mr. & Mrs. Harold W. Clouse  
3457 Frankie Drive  
NEWBURY CA 91320

JOSEPHINE COUNTY TITLE CO. P. O. BOX 71, 507 N.E. 6th ST., GRANTS PASS, OREGON  
CRATER TITLE INSURANCE CO. P. O. BOX 336, - 604 W. MAIN ST., - MEDFORD, OREGON

Until a change is requested, all tax statements shall be sent to the following address: FIRST FEDERAL SAVINGS & LOAN, P.O. Box 1051, GRANTS PASS OR 97526

TITLE INSURANCE

ESCROWS



HAROLD CLOUSE  
442 ROGUE RIFFLE DR.  
GRANTS PASS, OR 97526



10-10-78 BRS  
OTS-1978-14-D

NOT HOME  
10-18-77 CRS

County Josephine

6. Place of Use      DATE FOR APPLICATION OF WATER: 10/1/78

[illegible]



Info: No one home, as filed.

MOTOR: 2HP @ 3450 RPM, F&W

PUMP: 1 1/2" x 1 1/4" F&W

PIPE: 2" PLASTIC - 500'

LIFT: SUCTION - 6'

PUMP - 30'

TIE: PTS-1978-14-D

MOST WESTERLY CORNER OF LOT 1  
MOST NORTHERLY CORNER OF LOT 2

BOTH IN BLOCK B  
ROQUE RIFFLE SUBDIVISION

Bruce R. Samuel

F.E.

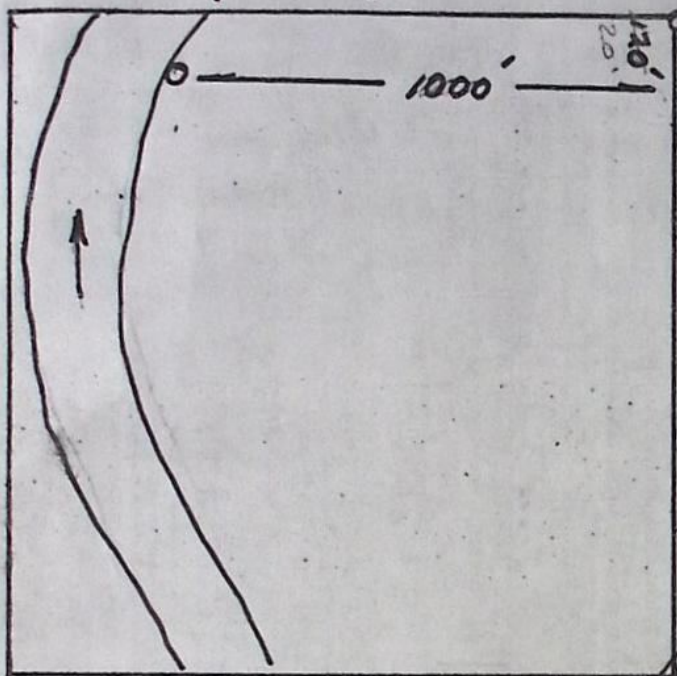
10-10-78

2(6.61)

114 + 36 = 0.09 c.f.s.



NE 1/4 SE 1/4 Sec. 26



OLD PT. DIV.

NEW PT. DIV.

950' N. AND.  
330' W.  
FROM W 1/4  
COR. SEC. 25

SEE MAP 35 7 26

ROGUE RIFFLE  
R=502.64  
T=70.30

LOT 2 2470

LOT 5

33.97

3000  
216Ac

3100  
240Ac

3200  
307Ac

NW COR DLC No 37

3300  
940Ac

2802  
4.00 Ac.

LOT  
2803

2.50 Ac.

2801  
2.66 Ac.



RECEIVED

APR 30 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

T-3402

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, HAROLD W. CLOUSE

(Name of applicant)

of 442 ROGUE RIFLE DRIVE

(Postoffice)

County of JOSEPHINE

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 ROGUE 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 \_\_\_\_\_

4. The point of diversion is located <sup>20</sup>~~120~~ ft. S and 1000 ft. W from the E 1/4

(N. or S.)

(E. or W.)

corner of Sec. 26

(Section or subdivision)

being within the NE 1/4 SE 1/4

of Section 26 Tp. 35S R. 7W W. M., in the County of JOSE.

(No. N. or S.)

(No. E. or W.)

JOSE.

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
35S	7W	25							(42) 1.0									
35S	7W	26				(82) 0.8												

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)

1.8 ac.  
0.02 cfs

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

November 5, 1945

8. What is the date of priority of your water right? NOV. 1945

9. Was your water right acquired by State Engineer's Permit? YES

(Yes or No)

If so, give number

of permit 16661

App'l - 21263



10. Do you hold a water right certificate? YES If so, give number of certificate 15677  
(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? MRS. H. D. HUSKEY  
(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 950 ft. N and 330 ft. W from the E  
26 corner of SEC 25 being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26 Tp. 35S R. 7W W. M.,  
(Smallest legal subdivision) (N. or S.) (E. or W.)  
in the county of JOSE. The name of the ditch to be used is NA

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? 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.? NO  
(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 SO IT WILL BE ON OUR OWN LAND.



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Josephine

} ss.

I, Harold W. Clouse, 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 15th day of April, 19 76

Harold W. Clouse  
(Name of applicant)

Subscribed and sworn to before me this 15th day of April, 19 76



Margaret McLain  
NOTARY PUBLIC FOR OREGON

My commission expires 10-14-78

Margaret McLain  
My Comm. Exp. 10-14-78

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.



RECEIVED

MAY - 4 1977

WATER RESOURCES DEPT  
SALEM, OREGON

Transfer No. 3402

NOTICE OF COMPLETION OF CONSTRUCTION

I, HAROLD W. CLOUSE 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 Water Resources  
Director dated DECEMBER 16, 1976, approving an application  
for a change in point of diversion of water from ROGUE RIVER

5/2/77  
Date

Harold W. Clouse  
Name

HAROLD CLOUSE  
442 ROGUE RIFLE DR.  
GRANTS PASS, OR 97526



## LEGAL NOTICE

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

Notice is given hereby that Harold W. Clouse has filed an application for the approval of a change in point of diversion from Rogue River.

Certificate of water right issued to Mrs. H.D. Huskey and recorded at Page 15677, Volume 13, State Record of Water Rights Certificates, confirms a right to the use of 0.28 cubic foot per second from Rogue River for the irrigation of, among other lands, 1.0 acre in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 25 and 0.8 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 26, T. 35 S., R. 7W., W.M., with a date of priority of November 5, 1945.

These lands are irrigated from a point of diversion located 20 ft. S. and 1000 ft. W. from the E  $\frac{1}{4}$  corner of Sec. 26, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 26, T. 35 S., R. 7W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 950 ft. N. and 330 ft. W. from the W.  $\frac{1}{4}$  corner of Sec. 25, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 26, T. 35 S., R. 7W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on July 20, 1976, 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 Harold W. Clouse, 442 Rogue Riffle Drive, Grants Pass, Oregon 97526, and one copy filed with the Water Resource 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 17th day of May, 1976.

JAMES E. SEXSON  
Director

No. 82-Tues-May 25, June 1 & 8, 1976

## AFFIDAVIT OF PUBLICATION

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 FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER, 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 May 25, June 1 and 8, 1976

Subscribed and sworn to before me this 8th day of

June, 19 76

Kathleen Zahner  
Notary Public of Oregon.

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

RECEIVED  
JUN 18 1976  
WATER RESOURCES DEPT  
SALEM, OREGON





## WATER RESOURCES DEPARTMENT

714 N.W. "A" STREET • GRANTS PASS, OR • 97526 • Phone 476-8201, Ext. 247

ROBERT W. STRAUB  
GOVERNOR

May 18, 1976

JAMES E. SEXSON  
Director

WATER POLICY REVIEW  
BOARD

EMERY N. CASTLE  
Chairman  
Corvallis

CHAPIN D. CLARK  
Vice Chairman  
Eugene

GEORGE H. PROCTOR  
Klamath Falls

ANN W. SQUIER  
Portland

RICHARD ROY  
Portland

JAMES HILL  
Arch Cape

JEAN FROST  
Portland

Water Resources Department  
1178 Chemeketa Street, N. E.  
Salem, Oregon 97310

Attention: Wayne Overcash

Transfer 3402

Dear Wayne:

In my opinion the above transfer, a change in point of diversion of water from Rogue River in the name of Harold Clouse, may be made without injury to existing rights.

I would suggest that pumping provision #2 be incorporated in the order.

Very truly yours,

Robert B. Steimer  
Watermaster, District #14

RBS/sj

**RECEIVED**

MAY 20 1976

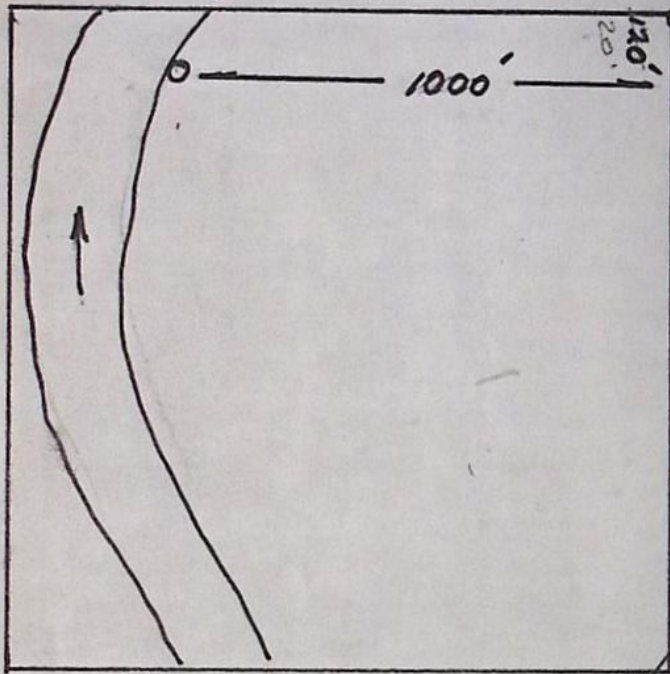
WATER RESOURCES DEPT  
SALEM, OREGON



T# 3402

T 35 S, R 7 W, 1 W.M.

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Sec. 26



OLD PT. DIV.

NEW PT. DIV.  
950' N. AND.  
330' W.  
FROM W  $\frac{1}{4}$   
COR. SEC. 25

SEE MAP 35 7 26

