

4047

Name John E. & Mary J. Meyers  
By % David T. or Bruce R. Knight  
 Address 13535 Hwy 238  
Applegate, OR 97530

Change in POD  
 Date filed Sept. 15, 1978  
 Date of hearing Nov. 15, 1978  
 Place of hearing Medford  
 Date of order 11-21-78 Vol. 31, page 445  
 Date for application of water 10-1-80  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued JAN 29 1979 Vol. 40, page 47280  
FEB 18 1987 51 55685

DESCRIPTION OF WATER RIGHT

Name of stream Applegate River  
 Trib. of \_\_\_\_\_ County of Jackson  
 Use \_\_\_\_\_  
 Quantity of water \_\_\_\_\_ No. of acres 2.5  
 Name of ditch Kubli Ditch  
 Date of priority 1908  
 In name of Mauda Kubli  
Rogue River Sup'l Adjudication, Vol. 13, page 396  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 32839  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

FEES PAID

Date	\$ Amount	Receipt No.
<u>9-15-78</u>	<u>\$ 85.00</u> <u>&lt; 2.00 &gt;</u>	<u>6125</u>
TOTAL . . .		
<u>10-31-78</u>	<u>\$ 2 Cert. Fee</u>	<u>Trnt fr 6125</u>
<u>Medford Mail Tribune \$30.95 pd 10/31/78 ck #2749</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>10-31-78</u>	<u>\$ 17.05</u>	<u>2754</u>

REMARKS

Cert #32839 canceled by order approving Transfer H-160

W.R.I.S.	
Assembled <u>6-14-82</u> by <u>PK</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
	Name	<u>lg</u>	
	Stream	<u>lg</u>	
	Pt. of Div.	<u>lg</u>	
	Calendar	<u>lg</u>	
	CHECKED TO RECORDS:		
	Exp. & Rec.	<u>lg</u>	
	Transfer-out	<u>lg</u>	
	De-lease	<u>lg</u>	
	Cert. of W.R.	<u>lg</u>	
Per. Folio	<u>lg</u>		
Chainage	<u>lg</u>		
Cross-sec.	<u>lg</u>		
Part of Chain	<u>lg</u>		
Abstracts	<u>lg</u>		

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF JOHN E. & MARY J. MEYERS FOR )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 4047

On September 15, 1978, an application was filed in the office of the Water Resources Director by John E. and Mary J. Meyers for approval of a change in point of diversion from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 32839, Volume 24, State Record of Water Right Certificates, in the name of Maude Kubli, describes a right which includes the use of not to exceed 0.05 cubic foot per second from Applegate River for irrigation of a certain 2.5 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 23, Township 38 South, Range 4 West, W.M., with a date of priority of 1908.

The authorized point of diversion, pursuant to completed transfer No. H-160, is located 2510 feet South and 3370 feet West from the Northeast Corner of D.L.C. No. 39, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30, Township 38 South, Range 3 West, W.M. (Kubli Ditch).

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 60 feet South and 1450 feet East from the Northwest Corner of Section 26, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 26, Township 38 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of September 25; October 2 and 9, 1978.

Mr. David C. Hendrix, Watermaster, has filed a statement 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 requested change in point of diversion, 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 original point diversion under the subject right, located 1950 feet South and 1800 feet West from the Northeast Corner of Section 29, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 38 South, Range 3 West, W.M.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment 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, 1980.

The order of the State Engineer entered February 15, 1966, approving transfer No. H-160, provided for cancellation of the certificate of water right recorded at page 32839, Volume 24, State Record of Water Right Certificates, and issuance of a new certificate confirming the change in point of diversion authorized; therefore,

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered February 15, 1966, approving transfer application No. H-160; 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 the applicants herein.

Dated at Salem, Oregon this 21st day of November, 1978.

*By Chris L. School Deputy*

James E. Sexson  
Director

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF IKE A. THORPE, KARL E. HERRIOTT, )  
J. MASON ANDERSON, DALE DRYDEN, )  
HARRY M. KIMBALL, THORNTON S. GAPEN, )  
JOHN E. MYERS, EDITH KUBLI SCOTT AND )  
CLARENCE H. ROLOFF FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION OF )  
WATER FROM APPLGATE RIVER )  
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ORDER APPROVING  
TRANSFER NO. H-160

On May 17, 1965, Ike A. Thorpe, Karl E. Herriott, J. Mason Anderson, Dale Dryden, Harry M. Kimball, Thornton S. Gapen, John E. Myers, Edith Kubli Scott and Clarence H. Roloff filed applications 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.

Certificate of water right issued to Anna Mansfield and recorded at page 5557, Volume 6, State Record of Water Right Certificates confirms a right to the use of the waters of Applegate River for the irrigation of 7.0 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 16.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.0 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and the supplemental right for 9.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 22, Township 38 South, Range 4 West, W.M., with a date of priority of March 25, 1918. The diversion point of record for the 9.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  is within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28, Township 38 South, Range 3 West, W.M.

Certificate of water right issued to George Herriott and recorded at page 5558, Volume 6, State Record of Water Right Certificates confirms a right to the use of the waters of Applegate River for the irrigation of 6.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 9.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 22, Township 38 South, Range 4 West, W.M., with a date of priority of March 25, 1918.

Certificate of water right issued to Karl E. Herriott and recorded at page 28857, Volume 21, State Record of Water Right Certificates confirms a right to the use of the waters of Applegate River for the irrigation of 3.6 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 11.5 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 22, and 9.8 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15, Township 38 South, Range 4 West, W.M., with a

Certificate of water right issued to Curtis O. Gerhardt and recorded at page 15517, Volume 13, State Record of Water Right Certificates confirms a right to the use of the waters of Applegate River for the irrigation of 7.0 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, Township 38 South, Range 4 West, W.M., with a date of priority of December 18, 1946.

Certificate of water right issued to Dale Dryden and recorded at page 28566, Volume 20, State Record of Water Right Certificates confirms a right to the use of the waters of Applegate River for the irrigation of 1.8 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, Township 38 South, Range 4 West, W.M., with a date of priority of April 26, 1960.

Certificate of water right issued to Arion D. Christensen and recorded at page 20207, Volume 14, State Record of Water Right Certificates confirms a right to the use of the waters of Applegate River for the irrigation of 9.75 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 23, Township 38 South, Range 4 West, W.M., with a date of priority of October 28, 1949.

Certificate of water right issued to Arion D. Christensen and recorded at page 20883, Volume 15, State Record of Water Right Certificates confirms a right to the use of the waters of Applegate River for the irrigation of 5.7 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 6.3 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 2.4 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 23, Township 38 South, Range 4 West, W.M., with a date of priority of March 18, 1954.

Certificate of water right issued to John Herriott and recorded at page 5559, Volume 6, State Record of Water Right Certificates confirms a right to the use of the waters of Applegate River for the irrigation of 10.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 10.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 23, Township 38 South, Range 4 West, W.M., with a date of priority of March 25, 1918.

Certificate of water right issued to Tom Herriott and recorded at page 5560, Volume 6, State Record of Water Right Certificates confirms a right to the use of the waters of Applegate River for the irrigation of 14.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 22, and 2.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 12.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 23, Township 38 South, Range

By Decree of the Circuit Court for Jackson County, Oregon, entered January 10, 1940, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of Maude Kubli for the irrigation of 3.1 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 3.6 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, Township 38 South, Range 4 West, W.M., with a date of priority of 1908, and 4.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 13.0 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 16.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, and 26.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 24.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 10.0 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26, Township 38 South, Range 4 West, W.M., with a date of priority of 1866. This right was confirmed by certificate recorded at page 32839, Volume 24, State Record of Water Right Certificates.

C-16238

Certificate of water right issued to E. W. Kubli and recorded at page 21512, Volume 15, State Record of Water Right Certificates confirms a right to the use of waters of Applegate River for the irrigation of 2.9 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 3.5 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 15.6 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, Township 38 South, Range 4 West, W.M., with a date of priority of June 30, 1954.

The water is conveyed to these lands by means of Kubli Ditch, the point of diversion being located 1950 feet south and 1800 feet west from the NE corner of Section 29, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 38 South, Range 3 West, W.M.

The applicants herein propose to irrigate these lands by means of a ditch, the point of diversion to be located 2504.7 feet south and 3456.7 feet west from the NE corner of Donation Land Claim No. 39, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 30, Township 38 South, Range 3 West, W.M.

Leon and Lola Offenbacher, owners of the land on which the new point of diversion is to be located, have filed a statement to the effect that they have no objection to the proposed change in point of diversion.

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 February 14, 1966, at 9:30 a.m. The notice was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of December 23 and 30, 1965 and January 6, 1966. 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 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 proposed change in point of diversion of water from Applegate River, to-wit:

From a point located 1950 feet south and 1800 feet west from the NE corner of Section 29, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 38 South, Range 3 West, W.M.

To a point to be located 2504.7 feet south and 3456.7 feet west from the NE corner of Donation Land Claim No. 39, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30, Township 38 South, Range 3 West, W.M.

For the irrigation of 6.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 9.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 14.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 2.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 22, 12.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 22.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 23, 7.0 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 16.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 2.0 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, and supplemental irrigation of 9.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 22, with a date of priority of March 25, 1918; 3.6 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 11.5 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 22, and 9.8 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 15, with a date of priority of December 14, 1954; 7.0 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, with a date of priority of December 18, 1946; 1.8 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, with a date of

priority of April 26, 1960; 9.75 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 23, with a date of priority of October 28, 1949; 5.7 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 6.3 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 2.4 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 23, with a date of priority of March 18, 1954; 3.1 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 3.6 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, with a date of priority of 1908; 4.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 13.0 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 16.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, and 26.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 24.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 10.0 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26, with a date of priority of 1866; and 2.9 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 3.5 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 15.6 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, with a date of priority of June 30, 1954, all within Township 38 South, Range 4 West, W.M., 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, 1966.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

It is FURTHER ORDERED that the following provision shall be effective when in the judgment of the watermaster it becomes necessary to install head-gates and measuring devices.

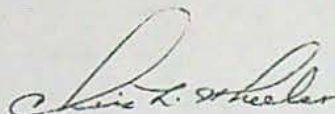
That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 certificates of water right heretofore issued and recorded at pages 5557, 5558, 5559 and 5560, Volume 6; page 15517, Volume 13; page 20207, Volume 14; pages 20883 and 21512, Volume 15; page 28566, Volume 20; page 28857, Volume 21; and page 32839, Volume 24, State Record of Water Right

Certificates are canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized changes in points of diversion, certificates of water right shall be issued confirming said changes in points of diversion.

Dated at Salem, Oregon, this 15th day of February, 1966.



CHRIS L. WHEELER  
State Engineer

cert a  
BC

STATE OF OREGON

Doc/ 57924

63777

63777

Tr. 9. Or. V. 14. 740

47280

T-4047

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

John E. & Mary J. Meyers % David T. Knight

This Is to Certify, That MAUDE KUELI,

13535 Highway 238

of Applegate

to the use of the waters of Applegate River

, State of Oregon, has a right

97530

a tributary of Rogue River  
irrigation of 6.7 acres<sup>2.5</sup>

for the purpose of

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 16, at page 523; that the priority of the right thereby confirmed dates from 1908;

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 0.13 cubic foot per second, if available at the original point of diversion, ca Sec 29

T 38 S R 3 W W M, 1950'S & 1800' W from NE cor Sec 29

The point of diversion is located in the SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Section 29, 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:

2.5 3.1 acres in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
3.6 acres in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
Section 23,  
T. 38 S., R. 4 W., W.M.

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the Water Resources Director entered Nov 21 1978 and together with certificate of water right recorded on page 47280, Volume 40, SRWRC supersedes certificate of water right recorded on page \_\_\_\_\_, Volume \_\_\_\_\_, SRWRC.

32839

The issuance etc

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 January 5, 1966.

CHAS. L. JENSEN  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 21, page 32839

55685

79170

1 100' H 110

**NOTICE OF WATER RIGHT TRANSFER  
APPLICATION NO. 4047**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by John E. & Mary J. Meyers for approval of a change in point of diversion from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 32839, Volume 24, State Record of Water Right Certificates, in the name of Maude Kubli, describes a right which includes the use of not to exceed 0.05 cubic foot per second from Applegate R. for irrigation of 2.5 ac in SE 1/4 SW 1/4 of Sec 23, T 38S, R 4W, WM, with a date of priority of 1908.

The authorized point of diversion, pursuant to completed transfer No. H-160, is located 2510 ft S & 3370 ft W from the NE Corner of D.L.C. No. 39, being within the SE 1/4 SW 1/4 of Sec 30, T 38S, R 3W, WM (Kubli Ditch).

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 60 ft S & 1450 ft E from the NW Corner of Sec 26, being within the NE 1/4 NW 1/4 of Sec 26, T 38S, R 4W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on November 15, 1978, 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 John E. & Mary J. Meyers, c/o David T. & Bruce R. Knight, 13535 Hwy 238, Applegate, OR 97530; and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 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 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 20th day of September, 1978.

James E. Sexson  
Director

**Affidavit of Publication**

**RECEIVED**

**OCT 13 1978**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

State of Oregon,

County of Jackson

ss.

1. Lynn Smith, being first duly

sworn, depose and say that I am the

OWNER, EDITOR, PUBLISHER, MANAGER.

**Principal Clerk**

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Medford in the aforesaid county and state:

that the Notice of Water Right Trans. #4047

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 Sept. 25, Oct. 2, 9, 1978

(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

*Lynn Smith*

Subscribed and sworn to before me this 11th day of Oct., 1978

*James J. Osborn*  
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981

ok.

## STATE OF OREGON

COUNTY OF

JACKSON

Superseded by  
 Cert. No. \_\_\_\_\_  
 Tr. S. Or. v. 14, p. 440

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That John E. Myers  
~~HAUDE KUBLI~~

of Applegate 4425 Hillsinger Rd Medford, State of Oregon, has a right  
 to the use of the waters of Applegate River

a tributary of Rogue River 4.2 for the purpose of  
 irrigation of 6.7 acres

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 16, at page 523; that the priority of the right thereby  
 confirmed dates from 1908;

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 0.15 cubic foot per  
 second. 0.08

SE<sup>1</sup>SW<sup>4</sup> as proj. w/in Long DLC 39 Sec 30,  
 The point of diversion is located in the SW<sup>1</sup>NE<sup>1</sup>, Section 29, T. 38 S., R. 3 W., W.M.,  
Kubli Ditch — 2510'S & 3370'W from the NE cor Long DLC 39

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

0.6 3.1 acres in SE<sup>1</sup>SW<sup>1</sup>  
3.6 acres in SW<sup>1</sup>SE<sup>1</sup>  
Section 23,  
T. 38 S., R. 4 W., W.M.

T-4047  
2.5  
(0.05 cfs)

This certificate is issued to confirm a change in point of diversion  
allowed by an order of the State Engineer entered Feb-15, 1978 approving  
transfer application No H-160 and as well as to 1966

~~This certificate~~ describes that portion of the water right confirmed by the prior  
 certificate recorded at page 32839, Volume 24, State Record of Water Right  
 Certificates, NOT modified by the provisions of an order of the Water Resources  
 Director entered on Nov 21, 1978, approving transfer application No. 4047.

The issuance of this superseding certificate does not confirm the status of the  
 water right in reference to ORS 540.610.

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 January 5, 1966.

CHRIS L. MEYER  
 State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32839

cert. fee of 2<sup>00</sup> on T-4047

T-4047 #160