

Name W. L. Welbourne

By _____

Address 450 Pickett Creek Road
Grants Pass, OR 97526

Change in POD

Date filed May 14, 1979

Date of hearing August 2, 1979

Place of hearing Grants Pass

Date of order 8-20-79 Vol. 32, page 344

Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued SEP 13 1979 Vol. 42, page 43563

4220

DESCRIPTION OF WATER RIGHT

Name of stream Pickett Creek

Trib. of _____ County of Josephine

Use _____

Quantity of water _____ No. of acres 2⁰

Name of ditch _____

Date of priority Jan 5, 1911

In name of Christopher C. English

_____ Adjudication, Vol. _____, page _____

App. No. 1179 Per. No. 602 Cert. No. 815

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
5-14-79	35-	10842
5-21-79	50-	10985
6-22-79	< 2 ⁰⁰	Trist to Cert
TOTAL . . .		
6-22-79	\$2 Cert. Fee	Trist fr 10842
Daily Journal \$39.72 pd 4/22/79 ck# 3571		

FEES REFUNDED

Date	Amount	Check No.
6-22-79	8 ²⁸	3570
EX 20- POD 15- CERT 2- PON 39 72 76 72		
85 00 76 72 8 28		

REMARKS

T-7413 A POD/POU

W.R.I.S.

Assembled 10/15/84 by ccn

Entered _____ by _____

Verified _____ by _____

	INDEX CARDS:	
	Entered	Checked
TO BE ENTERED WHEN CHECKED		
<input checked="" type="checkbox"/> Name	<u>ccn</u>	_____
<input checked="" type="checkbox"/> Stream	<u>ccn</u>	_____
<input checked="" type="checkbox"/> Pl. of Div.	<u>ccn</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>ccn</u>	_____
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rte.	<u>ccn</u>	_____
<input checked="" type="checkbox"/> Decree-vault	_____	_____
<input checked="" type="checkbox"/> Decree-safe	<u>ccn</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>ccn</u>	_____
<input checked="" type="checkbox"/> Per. Folder	<u>ccn</u>	_____
<input checked="" type="checkbox"/> Chaindex	_____	_____
<input checked="" type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	<u>ccn</u>	_____
<input checked="" type="checkbox"/> Abstracts	<u>ccn</u>	_____

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF W.L. WELBOURNE FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM PICKETT CREEK)

ORDER APPROVING
TRANSFER NO. 4220

On May 14, 1979, an application was filed in the office of the Water Resources Director by W. L. Welbourne for approval of a change in point of diversion, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 815, Volume 1, State Record of Water Right Certificates, in the name of Christopher C. English, describes a right which includes the use of not to exceed 0.03 cubic foot per second from Pickett Creek for irrigation of a certain 2.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 35 South, Range 7 West, W.M., with a date of priority of January 5, 1911.

Water for the said right is diverted, through the Dunn and English Ditch, from a point located 1160 feet South and 60 feet East from the Center Corner of Section 27, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 35 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 230 feet North and 1000 feet East from the Center Corner of Section 26, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 35 South, Range 7 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of June 5, 12 and 19, 1979.

Mr. Robert B. Steimer, 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 changes 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 old point of diversion under the subject right.

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:

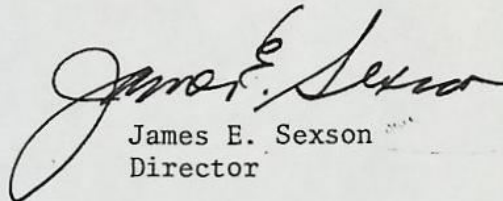
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

It is FURTHER ORDERED that the certificate recorded at page 815, Volume 1, 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 the applicant herein.

Dated at Salem, Oregon this 20th day of August, 1979.


James E. Sexson
Director

RECEIVED

MAY 14 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

RECEIVED

MAY 21 1979

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, W. L. Welbourne
(Name of applicant)

of 450 Pickett Creek Road, Grants Pass
(Mailing address) (City)

State of Oregon, 97526, 479-0647, do hereby make application for change
(Zip Code) (Phone number)

in point of diversion

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

1. Is the water right recorded in your name? no - Christopher C. English
(If not, give name)

2. Was your water right determined by Decree of Court? no If so, give title of proceedings
(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? yes If so, give number
(Yes or No)

of permit 602 Number of certificate 815

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Pickett Creek

5. What is the date of priority of your water right? January 5, 1911

6. The authorized point of diversion is located S 3 degrees 17 min E 264 ft., being

within the NW 1/4 NW 1/4 SW 1/4 NE 1/4 (N. or S.) and 60' (E. or W.) from center

corner of Sec 27 being within the NW 1/4 SE 1/4 of Section 26 Tp. 35 S. R. 7 W. W. M.,
(No. N. or S.) (No. E. or W.)

in the county of Josephine The name of the ditch used is "Dunn & English"

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 230 ft. N and 1000 ft. E from the Center
(N. or S.) (E. or W.)

corner of Sec. 26 being within the SW 1/4 NE 1/4 of Section 26 Tp. 35 S. R. 7 W. W. M.,
(No. N. or S.) (No. E. or W.)

in the county of Josephine The name of the ditch to be used is

8. The use to which the water is applied is irrigation

(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
35 S	7 W	26	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2

(If more space required, attach separate sheet)

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

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? no
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. 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)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are want to locate diversion on own
property, using pump and sprinkler system

15. Construction work will be completed on or before April 1, 1980

16. The water will be completely applied to the proposed use on or before October 1, 1981

Remarks _____

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

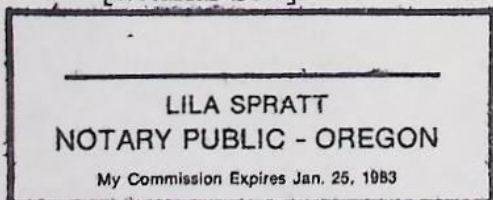
I, W. L. Welbourne, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 9th day of May, 1979.

X W. L. Welbourne
(Name of applicant)

Subscribed and sworn to before me this 9th day of May, 1979.

[Notarial Seal]



Lila Spratt
NOTARY PUBLIC FOR OREGON

My commission expires Jan. 25, 1983



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: June 5, 1979.

FROM: ** Robert B. Steimer, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4220

IN THE NAME OF W. L. Welbourne

In my opinion the proposed change in point of diversion from Pickett Creek
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~* to an existing water right.

Headgate notices ~~HAVE~~ HAVE-NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? yes
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
 x (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

**

Robert B. Steimer
Watermaster's signature or initials

RECEIVED

JUN 7 1979

WATER RESOURCES DEPT.
SALEM, OREGON

28.69 Ac.

T-4220

RECEIVED

MAY 14 1979

WATER RESOURCES DEPT.

SALEM, OREGON

500
18.72 Ac.

S26, T35S, R7W, W.M.

OLD POINT OF DIVERSION:

S 3 deg. 17' E 264-ft.
from SW cor NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26SW. Cr.
Lot 6

NEW DIVERSION:

230' N & 1000' E
from Center cor
of Sec. 261300
17.17 Ac.1390
0.99 Ac.

NEW DIVERSION:

230' N & 1000' E
from Center cor
of Sec. 261400
2.72 Ac.1500
2.85 Ac.1600
5.08 Ac.1700
3.31 Ac.1800
3.48 Ac.1900
3.61 Ac.2000
3.74 Ac.2100
3.87 Ac.2200
4.00 Ac.2300
4.13 Ac.2400
4.26 Ac.2500
4.39 Ac.2600
4.52 Ac.2700
4.65 Ac.2800
4.78 Ac.2900
4.91 Ac.3000
5.04 Ac.3100
5.17 Ac.3200
5.30 Ac.3300
5.43 Ac.3400
5.56 Ac.3500
5.69 Ac.3600
5.82 Ac.3700
5.95 Ac.3800
6.08 Ac.3900
6.21 Ac.4000
6.34 Ac.4100
6.47 Ac.4200
6.60 Ac.4300
6.73 Ac.4400
6.86 Ac.4500
6.99 Ac.4600
7.12 Ac.4700
7.25 Ac.4800
7.38 Ac.4900
7.51 Ac.5000
7.64 Ac.5100
7.77 Ac.5200
7.90 Ac.5300
8.03 Ac.5400
8.16 Ac.5500
8.29 Ac.5600
8.42 Ac.5700
8.55 Ac.5800
8.68 Ac.5900
8.81 Ac.6000
8.94 Ac.6100
9.07 Ac.6200
9.20 Ac.6300
9.33 Ac.6400
9.46 Ac.6500
9.59 Ac.6600
9.72 Ac.6700
9.85 Ac.6800
9.98 Ac.6900
10.11 Ac.7000
10.24 Ac.7100
10.37 Ac.7200
10.50 Ac.7300
10.63 Ac.7400
10.76 Ac.7500
10.89 Ac.7600
11.02 Ac.7700
11.15 Ac.7800
11.28 Ac.7900
11.41 Ac.8000
11.54 Ac.8100
11.67 Ac.8200
11.80 Ac.8300
11.93 Ac.8400
12.06 Ac.8500
12.19 Ac.8600
12.32 Ac.8700
12.45 Ac.8800
12.58 Ac.8900
12.71 Ac.9000
12.84 Ac.9100
12.97 Ac.9200
13.10 Ac.9300
13.23 Ac.9400
13.36 Ac.9500
13.49 Ac.9600
13.62 Ac.9700
13.75 Ac.9800
13.88 Ac.9900
14.01 Ac.10000
14.14 Ac.10100
14.27 Ac.10200
14.40 Ac.10300
14.53 Ac.10400
14.66 Ac.10500
14.79 Ac.10600
14.92 Ac.10700
15.05 Ac.10800
15.18 Ac.10900
15.31 Ac.11000
15.44 Ac.11100
15.57 Ac.11200
15.70 Ac.11300
15.83 Ac.11400
15.96 Ac.11500
16.09 Ac.11600
16.22 Ac.11700
16.35 Ac.11800
16.48 Ac.11900
16.61 Ac.12000
16.74 Ac.12100
16.87 Ac.12200
17.00 Ac.12300
17.13 Ac.12400
17.26 Ac.12500
17.39 Ac.12600
17.52 Ac.12700
17.65 Ac.12800
17.78 Ac.12900
17.91 Ac.13000
18.04 Ac.13100
18.17 Ac.13200
18.30 Ac.13300
18.43 Ac.13400
18.56 Ac.13500
18.69 Ac.13600
18.82 Ac.13700
18.95 Ac.13800
19.08 Ac.13900
19.21 Ac.14000
19.34 Ac.14100
19.47 Ac.14200
19.60 Ac.14300
19.73 Ac.14400
19.86 Ac.14500
19.99 Ac.14600
20.12 Ac.14700
20.25 Ac.14800
20.38 Ac.14900
20.51 Ac.15000
20.64 Ac.15100
20.77 Ac.15200
20.90 Ac.15300
21.03 Ac.15400
21.16 Ac.15500
21.29 Ac.15600
21.42 Ac.15700
21.55 Ac.15800
21.68 Ac.15900
21.81 Ac.16000
21.94 Ac.16100
22.07 Ac.16200
22.20 Ac.16300
22.33 Ac.16400
22.46 Ac.16500
22.59 Ac.16600
22.72 Ac.16700
22.85 Ac.16800
22.98 Ac.16900
23.11 Ac.17000
23.24 Ac.17100
23.37 Ac.17200
23.50 Ac.17300
23.63 Ac.17400
23.76 Ac.17500
23.89 Ac.17600
24.02 Ac.17700
24.15 Ac.17800
24.28 Ac.17900
24.41 Ac.18000
24.54 Ac.18100
24.67 Ac.18200
24.80 Ac.18300
24.93 Ac.18400
25.06 Ac.18500
25.19 Ac.18600
25.32 Ac.18700
25.45 Ac.18800
25.58 Ac.18900
25.71 Ac.19000
25.84 Ac.19100
25.97 Ac.19200
26.10 Ac.19300
26.23 Ac.19400
26.36 Ac.19500
26.49 Ac.19600
26.62 Ac.19700
26.75 Ac.19800
26.88 Ac.19900
27.01 Ac.20000
27.14 Ac.20100
27.27 Ac.20200
27.40 Ac.20300
27.53 Ac.20400
27.66 Ac.20500
27.79 Ac.20600
27.92 Ac.20700
28.05 Ac.20800
28.18 Ac.20900
28.31 Ac.21000
28.44 Ac.21100
28.57 Ac.21200
28.70 Ac.21300
28.83 Ac.21400
28.96 Ac.21500
29.09 Ac.21600
29.22 Ac.21700
29.35 Ac.21800
29.48 Ac.21900
29.61 Ac.22000
29.74 Ac.22100
29.87 Ac.22200
30.00 Ac.22300
30.13 Ac.22400
30.26 Ac.22500
30.39 Ac.22600
30.52 Ac.22700
30.65 Ac.22800
30.78 Ac.22900
30.91 Ac.23000
31.04 Ac.23100
31.17 Ac.23200
31.30 Ac.23300
31.43 Ac.23400
31.56 Ac.23500
31.69 Ac.23600
31.82 Ac.23700
31.95 Ac.23800
32.08 Ac.23900
32.21 Ac.24000
32.34 Ac.24100
32.47 Ac.24200
32.60 Ac.24300
32.73 Ac.24400
32.86 Ac.24500
32.99 Ac.24600
33.12 Ac.24700
33.25 Ac.24800
33.38 Ac.24900
33.51 Ac.25000
33.64 Ac.25100
33.77 Ac.25200
33.90 Ac.25300
34.03 Ac.25400
34.16 Ac.25500
34.29 Ac.25600
34.42 Ac.25700
34.55 Ac.25800
34.68 Ac.25900
34.81 Ac.26000
34.94 Ac.26100
35.07 Ac.26200
35.20 Ac.26300
35.33 Ac.26400
35.46 Ac.26500
35.59 Ac.26600
35.72 Ac.26700
35.85 Ac.26800
35.98 Ac.26900
36.11 Ac.27000
36.24 Ac.27100
36.37 Ac.27200
36.50 Ac.27300
36.63 Ac.27400
36.76 Ac.27500
36.89 Ac.27600
37.02 Ac.

T-4220

Description Sheet

Order No. 49-77396

The following described tract situated in the County of Josephine, State of Oregon, described as follows:

That portion of the Southwest Quarter of the Northeast Quarter and of Government Lot 5 in Section 26, Township 35 South, Range 7 West of the Willamette Meridian, described as follows:

Beginning at the Northwest corner of said Southwest Quarter of the Northeast Quarter; thence East 1322 feet; thence South 352.5 feet; thence South 26° West 652.4 feet to the true point of beginning hereof; thence North $75^{\circ}04'$ East 20.0 feet; thence North $57^{\circ}55'$ East 141.2 feet; thence South $65^{\circ}34'$ East 360.6 feet, more or less, to the Westerly bank of the Rogue River; thence Southwesterly, along said Westerly bank, to the South line of said Government Lot 5; thence West, along the South line of said Government Lot 5, a distance of 60 feet, more or less, to the Southwest corner thereof; thence North, along the West line of said Government Lot 5, a distance of 65 feet, more or less, to the center line of Pickett Creek; thence Northwesterly, along the center line of said Pickett Creek, to a point which bears South $75^{\circ}04'$ West from the true point of beginning hereof; thence North $75^{\circ}04'$ East to the true point of beginning.

RECEIVED

MAY 14 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**



STATE OF OREGON

INTEROFFICE MEMO MAY 17 1979

WM. DIST. 14
GRANTS PASS. ORE

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: March 7, 1979

FROM: ** Robert B. Steimer, Watermaster, District #14

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4220

IN THE NAME OF W. L. Welbourne

RECEIVED

MAY 14 1979

WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed change in point of diversion
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~ to an existing water right.

Headgate notices--~~HAVE~~ HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? no
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- ____ (1) PRIOR to the diverting of water at the new point of diversion . . .
x (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

RECEIVED

MAY 22 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 58693
Permit No.

**

Robert B. Steimer
Watermaster's signature or initials

LEGAL NOTICE

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
No. 4220

Notice is given hereby that an application has been filed in the office of the Water Resources Director by W. L. Welbourne for approval of a change in point of diversion of water from Pickett Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 815, Volume 1, State Record of Water Right Certificates, in the name of Christopher C. English, describes a right which includes the use of not to exceed 0.03 cubic foot per second from Pickett Cr. for irrigation of a certain 2.0 ac in SW¹/₄ NE¹/₄ of Sec 26, T 35S, R 7W, WM, with a date of priority of Jan. 5, 1911.

The authorized point of diversion for said right is located 1160 ft S & 60 ft E from the Center Corner of Sec 27, being within the NW¹/₄ SE¹/₄ of Sec 27, T 35S, R 7W WM (Dunn & English Ditch).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 230 ft N & 1000 ft E from the Center Corner of Sec 26, being within the SW¹/₄ NE¹/₄ of Sec 26, T 35S, R 7W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon on August 2, 1979 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 W. L. Melbourne, 450 Pickett Cr. Rd., Grants Pass, OR 97526; 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 Dept. upon request.

Dated at Salem, Oregon this 31st day of May, 1979

James E. Sexson,
Director
No. 30—June 5, 12 & 19, 1979

RECEIVED

JUN 21 1979

AFFIDAVIT OF PUBLICATION

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. 4220, 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 June 5, 12 & 19, 1979 *ok*

Charles J. Moore
Subscribed and sworn to before me this 19th day of

June, 19 79

Kathleen Johnson
Notary Public of Oregon.

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



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

May 16, 1979

W. L. Welbourne
450 Pickett Creek Road
Grants Pass, Oregon 97526

RE: File No. T-4220

Dear Mr. Welbourne:

Your water right transfer application for approval of a change in point of diversion of water from Pickett Creek, together with supporting data and fees of \$35, was received May 14, 1979. Our receipt No. 10842 is enclosed.

According to the proof of appropriation of water relative to the right involved which was submitted by Christopher C. English in 1914, instead of pumping, water was used from the Dunn and English main ditch diverting about 1½ miles above the proposed location of the pumping plant. The pumping plant location is the point as described in item No. 6 of your transfer application. The authorized point of diversion would be at the point where water was diverted in perfecting use of water under the terms of permit No. 602, which would be where the Dunn and English main ditch diverted water from Pickett Creek.

Therefore, it will be necessary for you to correct item No. 6 to properly locate the point of diversion authorized for the right. I am enclosing a print of the map prepared during the adjudication proceedings for the inchoate rights on Rogue River and tributaries. This map indicates that the ditch which may have supplied your lands diverts water from a point located near the SW corner of the NW¼ SE¼ of Section 27, T 35S, R 7W, W.M.

The proposed change in point of diversion will move the diversion point more than one-fourth mile along the stream; therefore, it is necessary that notice of the proposed change be published at least once each week for three consecutive weeks in a newspaper that is printed and has general circulation in the county where the water right is located. Please submit a deposit of \$50 for this purpose and tell us which newspaper you prefer that we use. Any difference between the deposit and the actual cost will be settled with you upon completion of publication of the notice.

Welbourne
File No. T-4220
page 2

The enclosed print of the map prepared during the adjudication proceedings shows the lands found irrigated at the time the survey was made in July of 1936. Therefore, there may be some question as to whether any right that may have been appurtenant to your property is still valid. The water right described by certificate 815 is appurtenant to the place of use where it was established, passes with the land through change of ownership, and remains valid so long as it is not lost through intentional abandonment or through nonuse. If any portion of the right is not used for a period of any five successive years, that portion would be forfeited.

By copy of this letter, we are asking the watermaster for his usual report regarding the proposed change.

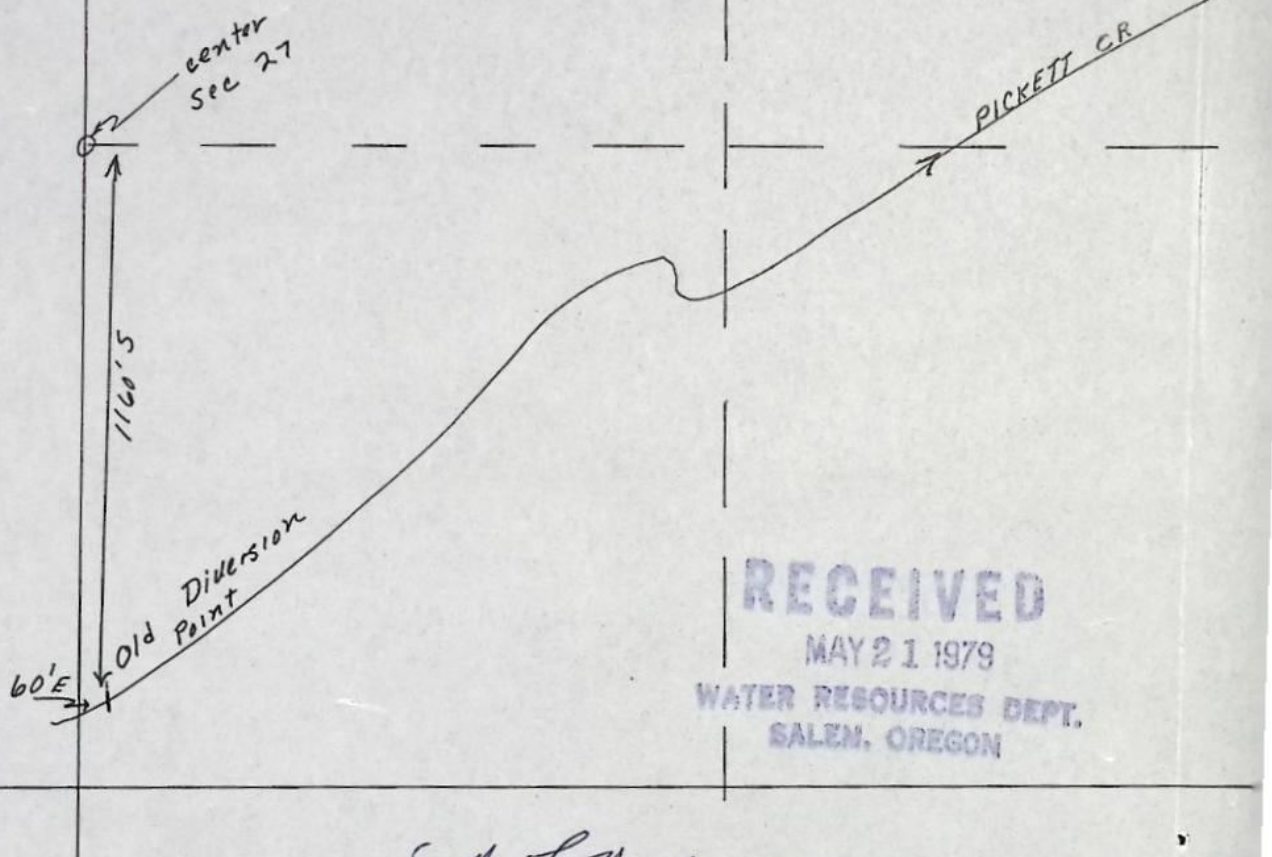
I am enclosing your transfer application and supporting map. Please refer any correspondence to file No. T-4220.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:1cj
cc: Robert B. Steimer, Watermaster

NW 1/4 SE 1/4 Section 27
TWP 35 S. R. 7 W. W.M.
Scale: 1" = 400'

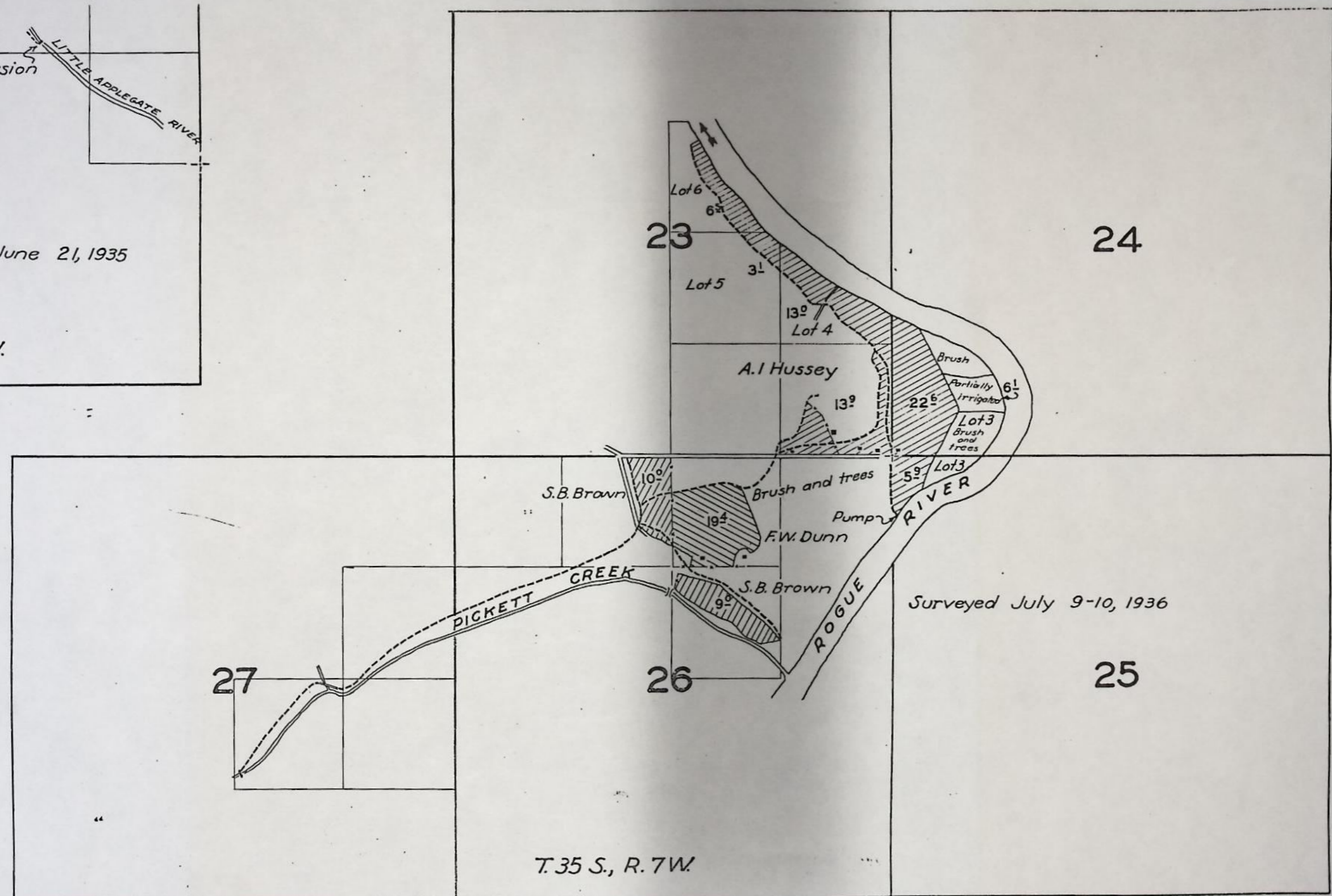
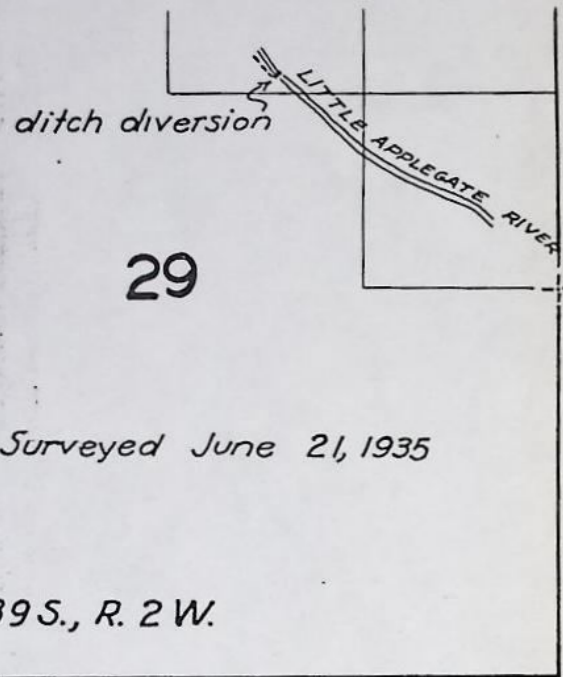


RECEIVED

MAY 21 1979

WATER RESOURCES DEPT.
SALEM, OREGON

M. L. Welbourne



CANCELLED
T. L. 1900
" 590
3500
490
891
1200
2602
1601
1690
25 1691

SEE MAP 35 7 23

 $1'' = 400'$

T-4220
RECEIVED

MAY 14 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

S26, T35S, R7W, W.M.

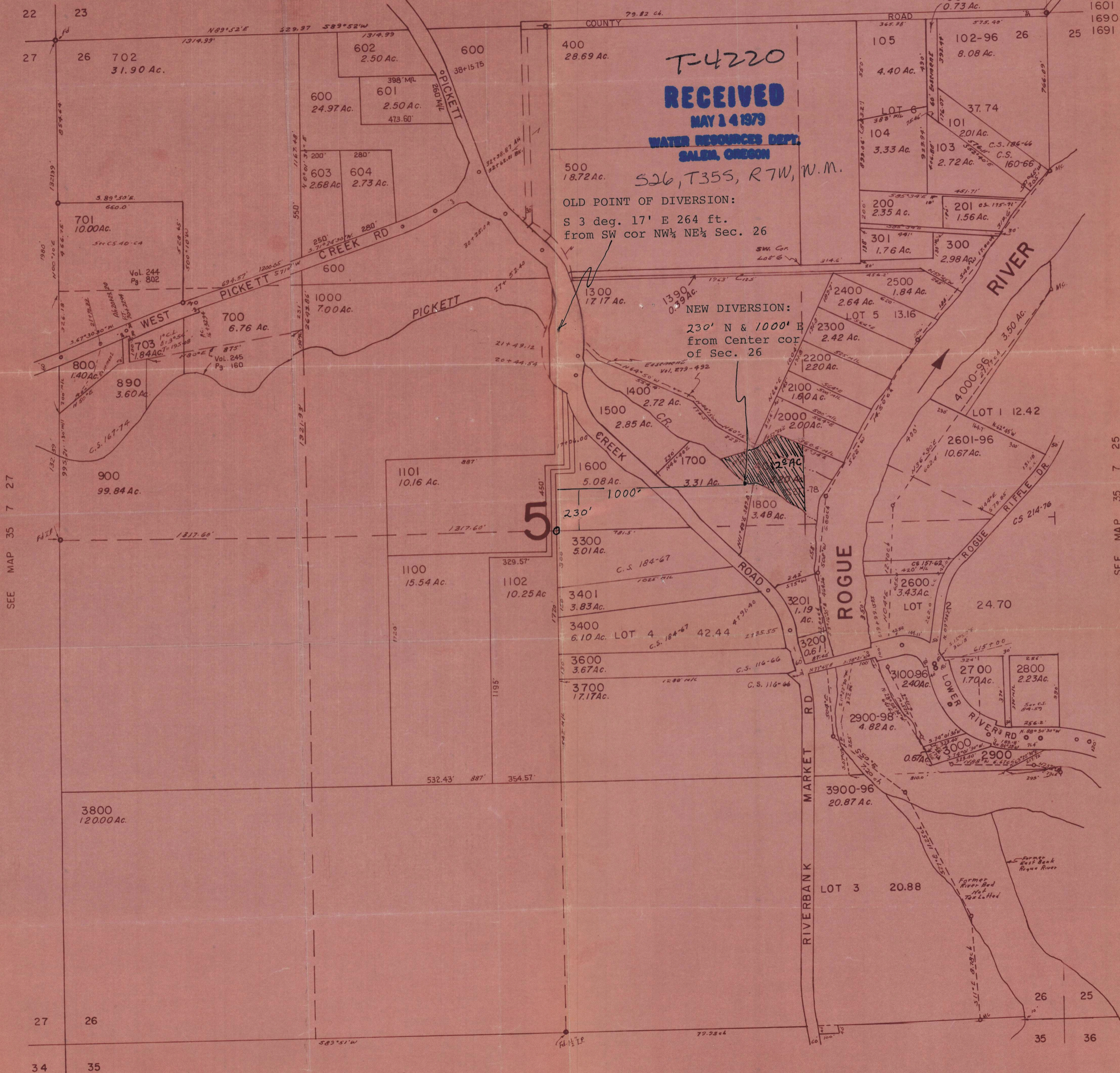
OLD POINT OF DIVERSION:

S 3 deg. 17' E 264 ft.

from SW cor NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26

NEW DIVERSION:

230' N & 1000' E
from Center cor
of Sec. 26



SEE MAP 35 7 35