

4261 Fowler

Name Harold B. & Constance C. Fowler

By _____

Address 3514 Little Applegate Rd.
Jacksonville, OR 97530Change in PODDate filed July 25, 1979Date of hearing Oct 18, 1979Place of hearing MedfordDate of order 10-26-79 Vol. 32, page 457Date for application of water 10-1-81

Proof mailed _____

Proof received FEB 1 1980Certificate issued Dec. 27, 89 Vol. 42, page 48963
63674

Certificate cancelled _____

Notation made on record by _____

REMARKS

Card for C NOV 20 1981

4261

DESCRIPTION OF WATER RIGHT

Name of stream Little Applegate RiverTrib. of _____ County of JacksonUse irrigationQuantity of water _____ No. of acres 81

Name of ditch _____

Date of priority 1886, 1902In name of David L. & Doris E. GilesRogue River Adjudication, Vol. 4, page 30App. No. _____ Per. No. _____ Cert. No. 37369

FEES PAID

Date	Amount	Receipt No.
<u>7-25-79</u>	<u>35-</u>	<u>13029</u>
<u>8-9-79</u>	<u>50</u>	<u>13351</u>
TOTAL . . .		
	<u>2 Cert. Fee</u>	

Medford Mail Tribune \$27.02 9/14/79 ck#3784

FEES REFUNDED

Date	Amount	Check No.
<u>9-14-79</u>	<u>22³⁸</u>	<u>3785</u>

EX 20-
POD 15-
POD 27⁶²
62⁶²

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
☒	Name		<u>leg</u>	_____
☒	Stream		<u>leg</u>	_____
☒	Pt. of Div.		<u>leg</u>	_____
☒	Calendar		<u>leg</u>	_____
☒	CHECKED TO RECORDS:			
☒	Twp. & Rge.		<u>SRB</u>	_____
☒	Decree-vault		<u>leg</u>	_____
☒	Decree-safe		<u>leg</u>	_____
☒	Cert. of W/R		<u>leg</u>	_____
☐	Per. Folder		_____	_____
☐	Chainindex		_____	_____
☐	Cross Ref.		_____	_____
☒	Power Claim		<u>leg</u>	_____
☐	Abstracts		_____	_____

W.R.I.S.

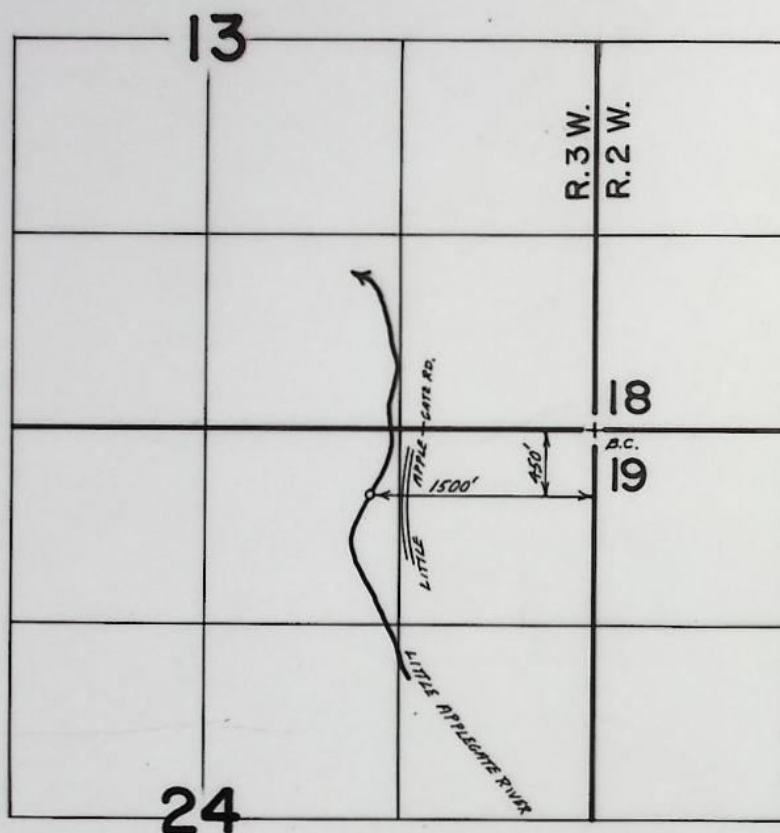
Assembled 3-8-83 by SM

Entered _____ by _____

Verified _____ by _____

455

T. 39 S., R. 3 W., W.M.



Scale 1"=1320'

FINAL PROOF SURVEY UNDER

Transfer No. 4261

Application No. Permit No.
IN NAME OF

WAYNE & JUANITA GILLESPIE

Surveyed Nov. 23, 1987, by B.S. JAMES

POD
POU
USE
Add'l POD

County Jackson

1. Name Harold B. & Constance C. Fowler WAYNE & JUANITA GILLESPIE

2. Source of Supply Little Applegate River, Trib of APPLEGATE RIVER

4. Amount of Water 0.205 g

5. Priority Date 1886, 1902

6. Proposed Point of Diversion 560' S + 450' W from NE Cor,
S24, w/in NW NE, S24, T39S, R3W, Wm

7. Completion Date 10-1-81

8. Place of Use:

[illegible]

T-4261

Info: NEW OWNER'S: WAYNE & JUANITA GILLESPIE, MAILING
ADDRESS: P.O. BOX 6414, JACKSONVILLE. NO ONE LIVES
ON SITE OF IRRIGATION. SITE ADDRESS 3514 LITTLE APPLIGATE
RD.
Source: WAYNE SHOWED US SYSTEM.
→ LITTLE APPLIGATE RIVER.

System: PUMP FROM RIVER THRU BURIED MAIN & RISER
PORTABLE HAND LINE & SPRINKLERS.

Diversion: DIRECT FLOW.

P. & M.: Jacuzzi 3" x 2" Cent D.D., operates at 40-48 PSI, per
Elect 7 $\frac{1}{2}$ HP @ 3500 RPM Mr. Gillespie

Egpt.: m.l. = 8" 3" alum. = 480' Max use: 12
LENGTH UNKN. RB 30, $\frac{1}{4} \times \frac{3}{32} = 12$

Life: 8' suction, 5' discharge

@ 45 PSI

$$\frac{(6.6 \times 7.5)}{114.3 + 13} = 0.38 \text{ cfs}$$

Use: Horse pasture

Tie: 40129-179-46R Mon't: $\frac{13}{24} \frac{18}{19}$ B.C.

B. Sue Janner FI 11-23-87

$$\frac{(5.7 + 1.7)(12)}{450} \approx 0.2 \text{ cfs}$$

REMARKS: VERIFIED OWNERSHIP THRU COUNTY RECORDS.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF HAROLD B. & CONSTANCE C.)
FOWLER FOR APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4261

On July 25, 1979, an application was filed in the office of the Water Resources Director by Harold B. and Constance C. Fowler 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 37369, Volume 29, State Record of Water Right Certificates, in the names of David L. and Doris E. Giles, describes a right which includes the use of not to exceed 0.205 cubic foot per second from Little Applegate River, being 0.103 cubic foot per second for irrigation of a certain 1.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ with a date of priority of 1886 and 0.102 cubic foot per second for irrigation of a certain 1.1 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ with a date of priority of 1902, all in Section 24, Township 39 South, Range 3 West, W.M.

Water for the said right is diverted from a point located 860 feet North and 1055 feet West from the East Quarter Corner of Section 24, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 39 South, Range 3 West, W.M.

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 560 feet South and 1450 feet West from the Northeast Corner of Section 24, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 39 South, Range 3 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of August 22, 29 and September 5, 1979.

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 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:

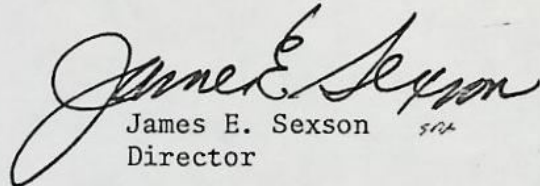
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1981.

It is FURTHER ORDERED that the certificate recorded at page 37369, Volume 29, 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 applicants herein.

Dated at Salem, Oregon this 26th day of October, 1979.


James E. Sexson
Director

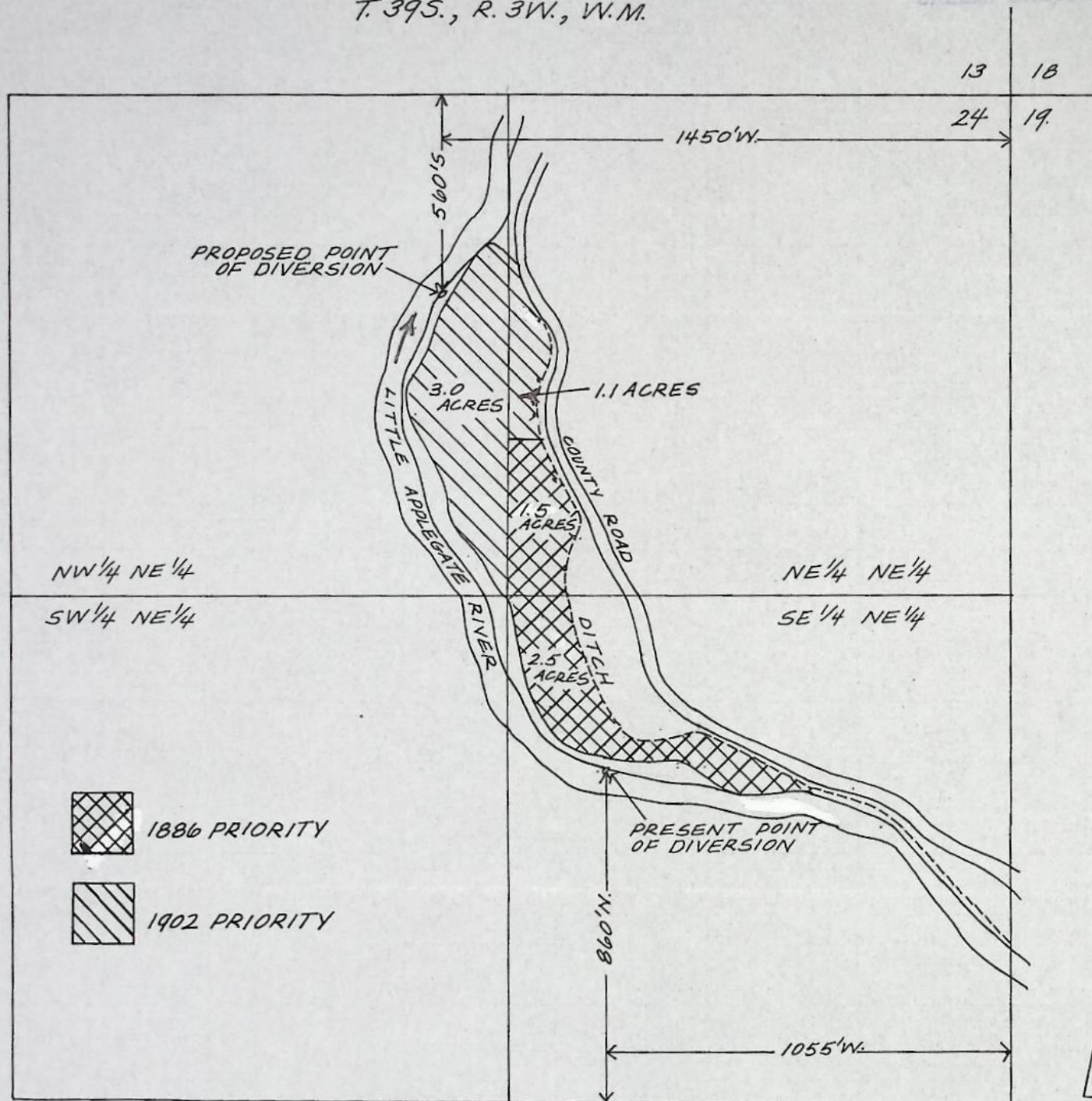
T-4261

RECEIVED

JUL 23 1979

WATER RESOURCES DEPT
SALEM, OREGON

T. 39S., R. 3W., W.M.



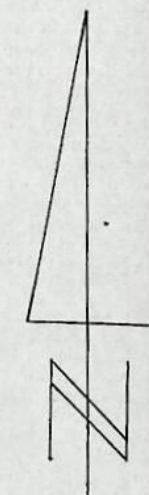
SCALE: 1" = 400'

MAP TO ACCOMPANY APPLICATION OF
HAROLD B. AND CONSTANCE C. FOWLER
FOR CHANGE IN POINT OF DIVERSION.
ON CERTIFICATE 37369 - PRIORITY 1886
AND 1902.

THIS MAP PREPARED BY:

Susan Richards

FROM INFORMATION FURNISHED BY
THE APPLICANT.



7-16-79.

L. APPLEGATE R

WRT-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

 WATER RIGHT NO. T0000 42611 PERMIT NO. 004300 CERTIF. NO.
 ORIG. NO. 000163981 PREV. NO. T0000 D1211 SUPER. NO.
NAME: HAROLD & CONSTANCE FOWLERADDRESS: 3514 L. APPLEGATE RD.CITY/STATE/ZIP/COUNTY: JACKSONVILLE, OR 97530

15

STREAM-ID 15 1680 1540 0530

RIV. MI.

WM. DIST. 13 W.R. TYPE S.C STATUS ✓

CANCEL YEAR----	CONSTR. COMPLT--> <u>10 01 1981</u>	YR. LAST USED----->	---	NEXT ACTION DUE-->	---
PRIORITY-----> <u>12 31 1886</u>	PUT TO USE-----> <u>10 01 1981</u>	LAST TRANS. DATE-->	---	LAST TRANS. TYPE-->	---
APPLICATION---> <u>07 25 1979</u>	SURVEYED----->	EXAM. FEE----->	<u>20.00</u>	RECORDING FEE----->	<u>15.00</u>
PERMIT ISSUE--> <u>10 26 1979</u>	CONCURRENCE----->	CYCLE STATUS----->	---	REPORTED FLAG----->	---
CONSTR. STRT.--> <u>10 26 1979</u>	CERTIFIED----->	CORRES. INIT.----->	---	CORRES. DATE----->	---

 POINT-OF-DIVERSION DATA:
 TWP/SP RGE SECT QTR/QTR STREAM-ID

390S 030W 24 AB 15 1680 1540 0530

RIV. MI.

RATE

STATUS S OR P

0.103

✓ P

 ** REMARKS; ----->
 ** DATED-->

 ** POD: 560'S & 1450' W 1PM NE
 ** COR. S 24. CHANGES POD PART
 ** OFC-37369. RAC-48963.

 ** SEE T000042612.

 PLACE-OF-USE DATA:
 TWP/SP RGE SECT QTR/QTR CNTY

390S 030W 24 AA 15 1R 100 1.50

STATUS S OR P

V P

AD 1 1 1 2.50

48963

W.R.I.S.	
Assembled	<u>3-8-85</u> by <u>SPV</u>
Entered	_____ by _____
Verified	_____ by _____

RECEIVED

JUN 8 1982

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

POD Little Applegate River

PURSUANT TO TRANSFER APPLICATION NO. 4261

I, HAROLD B. FOWLER, 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 said water
right transfer application was accomplished by Dec 31, 1980

5/31/1982
Date

Harold B. Fowler
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

*of
20*

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

WATER RIGHT NO. T000042612 PERMIT NO. 009300 CERTIF. NO.
 ORIG. NO. 0020163981 PREV. NO. T000001211 SUPER. NO.

NAME: HAROLD & CONSTANCE FOWLERADDRESS: 3514 L. APPELEGATE RD.CITY/STATE/ZIP/COUNTY: JACKSONVILLE, OR 97530 15STREAM-ID 15 1680 1540 0530

RIV. MI.

WM. DIST. 13 W.R. TYPE SC STATUS V

CANCEL YEAR---->

CONSTR. COMPLT--> 10 01 1981

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 12 31 1902PUT TO USE-----> 10 01 1981

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION----> 07 25 1979

SURVEYED----->

EXAM. FEE-----> 20.00RECORDING FEE-----> 15.00PERMIT ISSUE--> 10 26 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 10 26 1979

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

 POINT-OF-DIVERSION DATA;
 TWP/SP RGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

3905 030W 24 AB 15 1680 1540 0530
0.102V P
 ** REMARKS;----->
 ** DATED-->

 ** POD: 560'S & 1450' W FM NE

 ** COR S 24. CHANGES POD

 ** PART OF C-37369, RA C-48963.

 ** SEE T000042611.

 PLACE-OF-USE DATA:
 TWP/SP RGE SECT QTR/QTR CNTY

USE % CNSMTV

ACRES

STATUS S OR P

3905 030W 24 AA 15 1R 100 1.10
V P
1 1 1 AB 1 1 1 3.00
1 1
 **----->
 **----->
 **----->

W.R. I.S.

Assembled 3-8-85 by SM

Entered _____ by _____

Verified _____ by _____

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

STELLA AND EMERSON MERRICK, et al

of Jacksonville
 a right to the use of the waters of
 Little Applegate River

, State of Oregon 97530 , has

a tributary of Applegate River
 irrigation of 21.9 acres and domestic and stock use

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 WATER RESOURCES DIRECTOR, in Volume 4 , at page 1 ; that the priority of the right thereby confirmed dates from 1886 for 0.179 cubic foot per second for the irrigation of 7.0 acres; 1871 for 0.18 c.f.s. for the irrigation of 7.0 acres;* 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 0.557 cubic foot per second

The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, T. 39 S., R. 2 W., W.M.; Dunshee and Merrick - Gin Lin Ditch: 1430 feet North and 1905 feet West from E $\frac{1}{4}$ Corner, Section 29; Eek and Sharp - Upper Phillips Ditch: 680 feet South and 9 feet West from N $\frac{1}{4}$ Corner, Section 29, T. 39 S., R. 2 W., W.M. A description of the place of use under the right, and to which such right is appurtenant, is as follows:

*1902 for 0.198 c.f.s. for the irrigation of 7.9 acres; and for domestic and stock use

SEE NEXT PAGE

<u>Dunshee</u> Priority date	<u>1871</u>	<u>1886</u>
	7.0 acres	3.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
<u>Eek</u> Priority	<u>1902</u>	
	2.0 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$
<u>Sharp</u> Priority date	<u>1902</u>	
	2.4 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$
	3.5 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$
	Section 24	
	T. 39 S., R. 3 W., W.M.	
<u>Merrick</u> Priority date	<u>1886</u>	
	4.0 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$
	Section 24	
	T. 39 S., R. 3 W., W.M.	

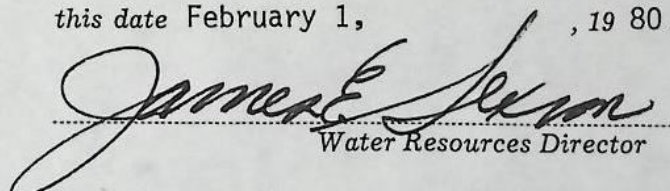
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 37369, Volume 29, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on October 26, 1979, approving transfer application No. 4261.

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 Water Resources Director, affixed

this date February 1, , 19 80.


Water Resources Director

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4261

The Water Resources Director of Oregon has received and filed an application by Harold B. and Constance C. Fowler for approval, without loss of priority, of a change in point of diversion of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 37369, Volume 29, State Record of Water Right Certificates, in the name of David L. & Doris E. Giles, and is for the use of not to exceed 0.208 cubic foot per second from Little Applegate River, under priority dates of 1886 and 1902, for irrigation of a certain 2.6 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.0 ac NW $\frac{1}{4}$ NE $\frac{1}{4}$ & 2.5 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 24, T 39S, R 3W, WM.

The authorized point of diversion is located 860 ft N & 1055 ft W from the E $\frac{1}{4}$ Corner of Sec 24, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 24, T 39S, R 3W, WM.

The applicants propose to change the point of diversion therefrom to a point located 560 ft S & 1450 ft W from the NE Corner of Sec 24, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 24, T 39S, R 3W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, October 18, 1979, at the Jackson County Courthouse, Medford, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicants at 3514 L. Applegate Rd., Jacksonville, OR 97530; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 15th day of August, 1979.

James E. Sexson, Director

T-4261
RECEIVED

JUL 25 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Harold B. and Constance C. Fowler
(Name of applicant)
of 3514 Little Applegate Road, Jacksonville,
(Mailing address) (City)
State of Oregon 97530 899-7805, do hereby make application for change
(Zip Code) (Phone number)
change 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. David L. and Doris E. Giles.
(If not, give name)
2. Was your water right determined by Decree of Court? Yes. If so, give title of proceedings
(Yes or No)
Rogue River Decree number of certificate 37369
3. Was your water right acquired by Water Right Permit? No. If so, give number
(Yes or No)
of permit _____ Number of certificate none

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 Little Applegate River
5. What is the date of priority of your water right? 1886 and 1902.
6. The authorized point of diversion is located 860 ft. N. and 1055 ft. W. from the E¹/₄
(N. or S.) (E. or W.)
corner of Sec. 24 being within the SE ¹/₄ NE ¹/₄ of Section 24 Tp. 39 S. R. 3 W. W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Jackson The name of the ditch used is pump.

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

7. The proposed point of diversion is located 560 ft. S. and 1450 ft. W. from the NE
(N. or S.) (E. or W.)
corner of Sec. 24 being within the NW ¹/₄ NE ¹/₄ of Section 24 Tp. 39 S. R. 3 W. W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Jackson. The name of the ditch to be used is pump.

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 ¼-¼ of Section	Number Acres To Be Irrigated
39 S.	3 W.	24	NE¼ NE¼	1.5 ac. priority 1886
			NE¼ NE¼	1.1 ac. priority 1902
			NW¼ NE¼	3.0 ac. priority 1902
			SE¼ NE¼	2.5 ac. priority 1886

(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 ¼-¼ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are to better facilitate the use of water.

15. Construction work will be completed on or before October 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, Harold B. and Constance C. Fowler, 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 16th day of July, 1979

x Harold B. Fowler

x Constance C. Fowler
(Name of applicant)

Subscribed and sworn to before me this 16 day of July, 1979

[Notarial Seal]

John F. Cummins
NOTARY PUBLIC FOR OREGON

My commission expires 21 January 1980

T-4261
RECEIVED
JUL 25 1979
WATER RESOURCES
SALEM, OREGON

CONTRACT TO SELL REAL PROPERTY

This contract to sell, made and entered into in triplicate this 31 day of July, 1978, by and between DORIS E. GILES, hereafter designated as "Seller" and HAROLD BENJAMIN FOWLER and CONSTANCE CLAIRE FOWLER, husband and wife, hereafter designated as "Purchaser,"

WITNESSETH:

In consideration of the terms and obligations herein set forth, the parties hereto agree as follows:

I.

PROPERTY INCLUDED: Seller agrees to sell and Purchaser agrees to purchase and acquire from Seller the following described real property situated and being in Jackson County, Oregon, to-wit:

Beginning at a point in the center of the Little Applegate County Road, said point being West 1182.0 feet from the northeast corner of the Northeast Quarter of Section 24 in Township 39 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon; thence along the center road line as follows: South 26° 45' West 100.0 feet; South 15° 04' West 350.0 feet; South 34° 09' East 240.0 feet; South 15° 56' West 200.0 feet; South 19° 20' East 350.0 feet; South 27° 57' East 260.0 feet; South 22° 37' East 240.0 feet; South 63° 21' East 800.0 feet; South 52° 45' East 228.0 feet, more or less, to the east line of said Section 24; thence South on said section line 130.0 feet to the center of the Little Applegate River; thence along the center of said River as follows: North 48° West 5.42 chains; North 78° West 5.67 chains; North 80° West 5.82 chains; North 63° West 3.20 chains; North 13° 30' West 5.01 chains; North 26° West 10.21 chains; North 26° East 9.31 chains to a point on the west line of the Northeast Quarter of the Northeast Quarter of said Section, 4.00 chains South of the northwest corner of said Quarter

T-4261 RECEIVE

JUL 25 1979

WATER RESOURCES
SALEM, OREGON

Quarter section; thence Northerly along the center of said River 4.25 chains to the north line of said Section 24; thence East on the section line 105.0 feet, more or less, to the point of beginning. EXCEPTING THEREFROM any portion lying within the Southwest Quarter of the Northeast Quarter said Section 24. ALSO EXCEPTING THEREFROM any portion lying within Little Applegate (County) Road granted to Jackson County by deed recorded February 4, 1971 as No. 71-00998 of the Official Records of Jackson County, Oregon.

ALSO, any portion of Little Applegate (County Road) vacated by Order recorded January 31, 1973 as No. 73-01482 of the Official Records of Jackson County, Oregon.

SUBJECT TO:

- 1) Right of way for the transmission and distribution of electricity, and for other purposes, granted to The California Oregon Power Company, a California corporation, by instrument recorded September 30, 1952 in Volume 371 page 471 of the Deed Records of Jackson County, Oregon.
- 2) Perpetual easement and right of way, and rights in connection therewith, granted to the United States of America by Easement Deed recorded February 10, 1967 as No. 67-01212 of the Official Records of Jackson County, Oregon.



RECEIVED

JUL 25 1979

WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Department

JACKSON COUNTY COURTHOUSE, MEDFORD, OREGON 97501 PHONE 776-7056

July 24, 1979

Water Resources Department
Mill Creek Office Park
Salem, Oregon 97310

Attention: Mr. Sam Allison, Engineer
Water Rights Transfer Division

Dear Mr. Allison:

I am enclosing herewith a transfer application in the names of Harold B. and Constance C. Fowler of 3514 Little Applegate Road, Jacksonville, Oregon 97530, for a change in point of diversion of water from the Little Applegate River, together with their transfer fees in the sum of \$35 (there being no intervening diversion points); the necessary map tracing and legal land description.

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

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, District 13

DCH:pg

enclosures

**NOTICE OF WATER RIGHT TRANSFER
APPLICATION NO. 4261**

The Water Resources Director of Oregon has received and filed an application by Harold B. and Constance C. Fowler for approval, without loss of priority, of a change in point of diversion of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 37369, Volume 29, State Record of Water Right Certificates, in the name of David L. & Doris E. Giles, and is for the use of not to exceed 0.208 cubic foot per second from Little Applegate River, under priority dates of 1886 and 1902, for irrigation of a certain 2.6 ac in NE 1/4 NE 1/4, 3.0 ac NW 1/4 NE 1/4 & 2.5 ac in SE 1/4 NE 1/4 of Sec 24, T 39S, R 3W, WM.

The authorized point of diversion is located 860 ft N & 1055 ft W from the E 1/4 Corner of Sec 24, being within the SE 1/4 NE 1/4 of Sec 24, T 39S, R 3W, WM.

The applicants propose to change the point of diversion therefrom to a point located 560 ft S & 1450 ft W from the NE Corner of Sec 24, being within the NW 1/4 NE 1/4 of Sec 24, T 39S, R 3W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, October 18, 1979, at the Jackson County Courthouse, Medford, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicants at 3514 L. Applegate Rd., Jacksonville, OR 97530; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 15th day of August, 1979.

James E. Sexson,
Director

Affidavit of Publication
RECEIVED

State of Oregon, }
County of Jackson } ss.

SEP 11 1979

**WATER RESOURCES DEPT
SALEM, OREGON**

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 Transfer

_____ 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 Aug. 22, 29, Sept. 5, 1979
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Lynn Smith

Subscribed and sworn to before me this 7th day of Sept., 19 79

James J. Osborn
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 19 81

ok
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