

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF MELVIN F. AND ROSALIND O. HOOVER )  
FOR THE APPROVAL OF A CHANGE IN USE )  
AND PLACE OF USE OF WATER FROM NORTH )  
AND SOUTH FORKS OF LITTLE BUTTE CREEK)  
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O R D E R

APPROVING APPLICATION

On August 24, 1962, Melvin F. and Rosalind O. Hoover of Medford, Oregon, filed an application in the office of the State Engineer for the approval of a change in use and place of use of water from North and South Forks of Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered August 15, 1949, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Little Butte Creek and its Tributaries, a water right was established in the name of the Rogue River Valley Irrigation District and Medford Irrigation District for the irrigation of, among other lands, the following described lands with a date of priority of September 14, 1899:

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|---|---|
| 10 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 16 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 10 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 30 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 25 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| Section 20,                                       | 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 35 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 16 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ | Section 29,                                       |
|   | Township 36 South,                                |
|   | Range 1 West, W. M.                               |

The applicants herein, owners of 328.34 acres of the lands above described, to-wit:

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|--|--|
| 10 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  | 14.7 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  |
| 10 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  | 23.24 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 30 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  | 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$    |
| 9.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$    |
| Section 20,  | 19 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$    |
| 35 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  | 25 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$    |
| 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  | Section 29,  |
| 16 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  | Township 36 South,                                   |
| 16 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  | Range 1 West, W. M.                                  |

propose to transfer the water rights appurtenant to 270.34 acres of the lands above described without loss of priority to the following described lands:

4.61 acres in the SW $\frac{1}{2}$ NW $\frac{1}{2}$	11.0 acres in the NW $\frac{1}{2}$ SE $\frac{1}{2}$
25.39 acres in the NW $\frac{1}{2}$ SW $\frac{1}{2}$ Section 19,	4.7 acres in the SE $\frac{1}{2}$ SE $\frac{1}{2}$
20.0 acres in the SE $\frac{1}{2}$ NW $\frac{1}{2}$ Section 18, Township 36 South, Range 1 East, W. M.	7.6 acres in the SW $\frac{1}{2}$ SE $\frac{1}{2}$ Section 30,
8.96 acres in the SE $\frac{1}{2}$ SE $\frac{1}{2}$ Section 20,	10.6 acres in the NE $\frac{1}{2}$ NW $\frac{1}{2}$
29.45 acres in the SW $\frac{1}{2}$ SW $\frac{1}{2}$	19.0 acres in the NW $\frac{1}{2}$ NE $\frac{1}{2}$ Section 32, Township 36 South, Range 1 West, W. M.
4.91 acres in the NE $\frac{1}{2}$ SE $\frac{1}{2}$	17.0 acres in the SW $\frac{1}{2}$ NW $\frac{1}{2}$ Section 5,
6.4 acres in the SE $\frac{1}{2}$ SE $\frac{1}{2}$ Section 21,	9.6 acres in the NW $\frac{1}{2}$ SW $\frac{1}{2}$ Section 6, Township 37 South, Range 1 West, W. M.
21.41 acres in the NE $\frac{1}{2}$ SW $\frac{1}{2}$	6.15 acres in the NW $\frac{1}{2}$ SW $\frac{1}{2}$
12.58 acres in the NW $\frac{1}{2}$ SW $\frac{1}{2}$	5.55 acres in the SW $\frac{1}{2}$ SW $\frac{1}{2}$ Section 4, Township 37 South Range 2 West, W. M.
17.29 acres in the SW $\frac{1}{2}$ SW $\frac{1}{2}$	
12.74 acres in the SE $\frac{1}{2}$ SW $\frac{1}{2}$ Section 22,	
15.4 acres in the SE $\frac{1}{2}$ SW $\frac{1}{2}$ Section 29,	

and simultaneously transfer the water rights appurtenant to the remaining 58 acres to the NW $\frac{1}{2}$  NE $\frac{1}{2}$ , SW $\frac{1}{2}$  NE $\frac{1}{2}$ , SE $\frac{1}{2}$  NE $\frac{1}{2}$ , NE $\frac{1}{2}$  NW $\frac{1}{2}$  and NW $\frac{1}{2}$  NW $\frac{1}{2}$ , Section 18, Township 36 South, Range 1 West, W. M. and the NE $\frac{1}{2}$  NE $\frac{1}{2}$  and SE $\frac{1}{2}$  NE $\frac{1}{2}$ , Section 13, Township 36 South, Range 2 West, W. M., for wildlife, recreation and fish culture in six ponds.

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 use and place of use of water, if any there were, namely: at the county courthouse in Medford, Oregon, on November 27, 1962, at 9:30 o'clock 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 October 1, 8 and 15, 1962. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

The First National Bank of Oregon, Medford Branch, mortgagor of the lands from which it is proposed to transfer the water right, has submitted written approval of the change in use and place of use of water.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in use and place of use may be made without injury to existing rights.

The Board of Directors of the Rogue River Valley Irrigation District at its meeting held January 2, 1963, approved the proposed transfer.

No objections having been filed and it appearing that the proposed change in use and place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same is approved and that the water right hereinbefore described as appurtenant to 270.34 acres, with a date of priority of September 14, 1899; to-wit:

10 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$	16.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
10 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$	14.7 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
30 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$	23.24 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
9.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 20,	26.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
35 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 29,
40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$	Township 36 South,
16 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$	Range 1 West, W. M.

be severed therefrom and simultaneously and without loss of priority transferred to the following described lands:

4.61 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$	11.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
25.39 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$	4.7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 19,	7.6 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
20.00 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$	Section 30,
Section 18,	10.6 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
Township 36 South,	19.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$
Range 1 East, W. M.	Section 32,
8.96 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$	Township 36 South,
Section 20,	Range 1 West, W.M.
29.45 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$	17.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
4.91 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 5,
6.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$	9.6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 21,	Section 6,
21.41 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$	Township 37 South,
12.58 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$	Range 1 West, W.M.
17.29 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$	6.15 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
12.74 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.55 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 22,	Section 4,
15.4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$	Township 37 South,
Section 29,	Range 2 West, W.M.

It is FURTHER ORDERED that the proposed change in use and place of use of water be and the same is approved and that the water right hereinbefore described as appurtenant to the remaining 58 acres for irrigation purposes, with a date of priority of September 14, 1899, to-wit:

14.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 19.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 25.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, Township 36 South, Range 1 West, W. M.,

be severed therefrom and simultaneously and without loss of priority transferred to the W $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  NW $\frac{1}{4}$ , Section 18, Township 36 South, Range 1 West, W. M., and E $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 13, Township 36 South, Range 2 West, W. M., for the maintenance of six ponds for wildlife, recreation and fish culture.

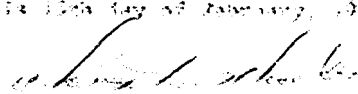
It is FURTHER ORDERED that the quantity of water diverted for the maintenance of six ponds for wildlife, recreation and fish culture shall not exceed 6,414 cubic feet per second during the period April 1 to October 1 of each year.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1954, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificates of water right shall be issued to Melvin Z. and Rosebud G. Sawyer and the Oregon State Game Commission to the extent to which the water has been applied beneficially and the certificate of water right heretofore issued to Melvorn Irrigation District and Rogue River Irrigation District and recorded as page 11213, Volume 14, State Record of Water Right Certificates, shall be canceled.

Given at Salem, Oregon, this 13th day of February, 1954.

State Engineer  
February 13, 1954  
Salem, Oregon

  
CHARLES H. CHANDLER  
State Engineer