

STATUS OF APPLICATION

Change in Point of Diversion Place of Use
 Date filed September 23, 1970
 Date of hearing _____
 Place of hearing _____
 Date of order April 2, 1971 Vol. 21, page 1
 Date for application of water 10-1-71
 Proof mailed MAY 18 1987 OCT 7 1988
 Proof received _____
 Certificate issued July 6, 1971 Vol. 29, page 37631

APR 14 1989
Blank
FEB 7 1989

60844

DESCRIPTION OF WATER RIGHT

Name of stream Big Butte Creek
 Trib. of _____ County of Jackson
 Use Irrigation
 Quantity of water _____ No. of acres 93
 Name of ditch _____
 Date of priority April 15, 1913
 In name of Luke Ryan
 _____ Adjudication, Vol. _____, page _____
 App. No. 2889 Per. No. E-168 Cert. No. 3824
 Certificate cancelled _____
 Notation made on record by slu

4/7/89 cert

REMARKS

finis

Form 130 sent JUN 19 1987

Form 131 sent JUN 29 1987

2448

FEES PAID

Date	Amount	Receipt No.
9-23-70	30.00	20951
9-23-70	35.00 P.O.N.	20952
TOTAL . . .	2	25820
10-15-71	\$ Cert. Fee	25819

FEES REFUNDED

Date	Amount	Check No.
10-26-70	*35.00 P.O.N.	3937

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>slu</u>	___
<input checked="" type="checkbox"/> Stream	<u>slu</u>	___
<input checked="" type="checkbox"/> Pt. of Div.	<u>slu</u>	___
<input checked="" type="checkbox"/> Calendar	<u>slu</u>	___
CHECKED TO RECORD:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>slu</u>	___
<input type="checkbox"/> Decree-vault	___	___
<input type="checkbox"/> Decree-safe	___	___
<input checked="" type="checkbox"/> Cert. of W/R	<u>slu</u>	___
<input checked="" type="checkbox"/> Per. folder	<u>slu</u>	___
<input type="checkbox"/> Chainindex	___	___
<input type="checkbox"/> Cross Ref.	___	___
<input type="checkbox"/> Power Claim	___	___
<input type="checkbox"/> Abstracts	___	___

W.R.T.S.

Assembled 4-24-84 by Pcj
 Entered _____ by _____
 Verified _____ by _____

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

Norman & Helen Smedes

This Is to Certify, That

ROBERT L. AND CLARICE W. HARPER

type proof 808
 o/o Dennis & Cardee Enriquez 7474 Crowfoot Rd, trail 10R 97541
 of 130 E. Mountain View, Porterville, State of CA 93257, has made
 proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
 Big Butte Creek

a tributary of Rogue River
 irrigation of 8.48 acres

for the purpose of

under Permit No. E-168 and that said right to the use of said waters has been perfected in
 accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from
 April 15, 1913

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
 0.105 cubic foot per second, if available at the original point of diversion;
 SE 1/4 SE 1/4, Section 3, T34S, R1E, WM; Ryan Ditch - North 56 degrees 3
 minutes West, 1170 feet from SE corner Section 3 and shall not exceed 0.028*

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the NE 1/4 NW 1/4, NW 1/4 SE 1/4, Section 3,
 T34S, R1E, WM; Diversion No. 1 - 400 feet South and 580 feet East from NW
 corner, NE 1/4 NW 1/4, Section 3; Diversion No. 2 - 410 feet South and 600
 feet East from C 1/4 corner Section 3.

SE 1/4 SW 1/4 Section 34, T. 33 S, R. 1 E, WM. 1030 ft N &
 The amount of water used for irrigation, together with the amount secured under any other
 right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
 per acre, 800 ft W from the S 1/4 Cor Sec 34.

*cubic foot per second at Diversion No. 1 and 0.077 cfs at Diversion No. 2

and shall
 conform to such reasonable rotation system as may be ordered by the proper state officer.

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

SEE NEXT PAGE

transfer 2448

Sp. OR. Vol. 21 page 1

15892

S. SW

0.2 ac NE 1/4 SW 1/4
0.4 ac SE 1/4 SW 1/4
0.4 ac NW 1/4 SE 1/4
2.3 SW 1/4 SE 1/4

Diversion No. 1

2.30 acres NE 1/4 NW 1/4
Section 3

Diversion No. 2

1.60 acres NE 1/4 NW 1/4
4.58 acres SE 1/4 NW 1/4
Section 3

Township 34 South, Range 1 East, WM

Sec 34
T33S R1E WM

APRIL 2, 1971

41600, 41601, 41602, 55442, 55443

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 October 12, 1976, and together with certificates of water right recorded at pages 43978 & 55443, Volumes 36 & 51, State Record of Water Right Certificates, supersedes certificate of water right recorded at page 37597, Volume 31, State Record of Water Right Certificates.

3824

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

(none lost)

cert#	41600	41601	41602	55442	55443	43978
Acres -	1.60	1.72	0.625	8.48	4.5	63.85 ac
Volume -	33	33	33	51	51	36
Q -	0.02	0.02	0.01	0.105	0.056	0.794

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. January 22, 1987

/s/ William H. Young

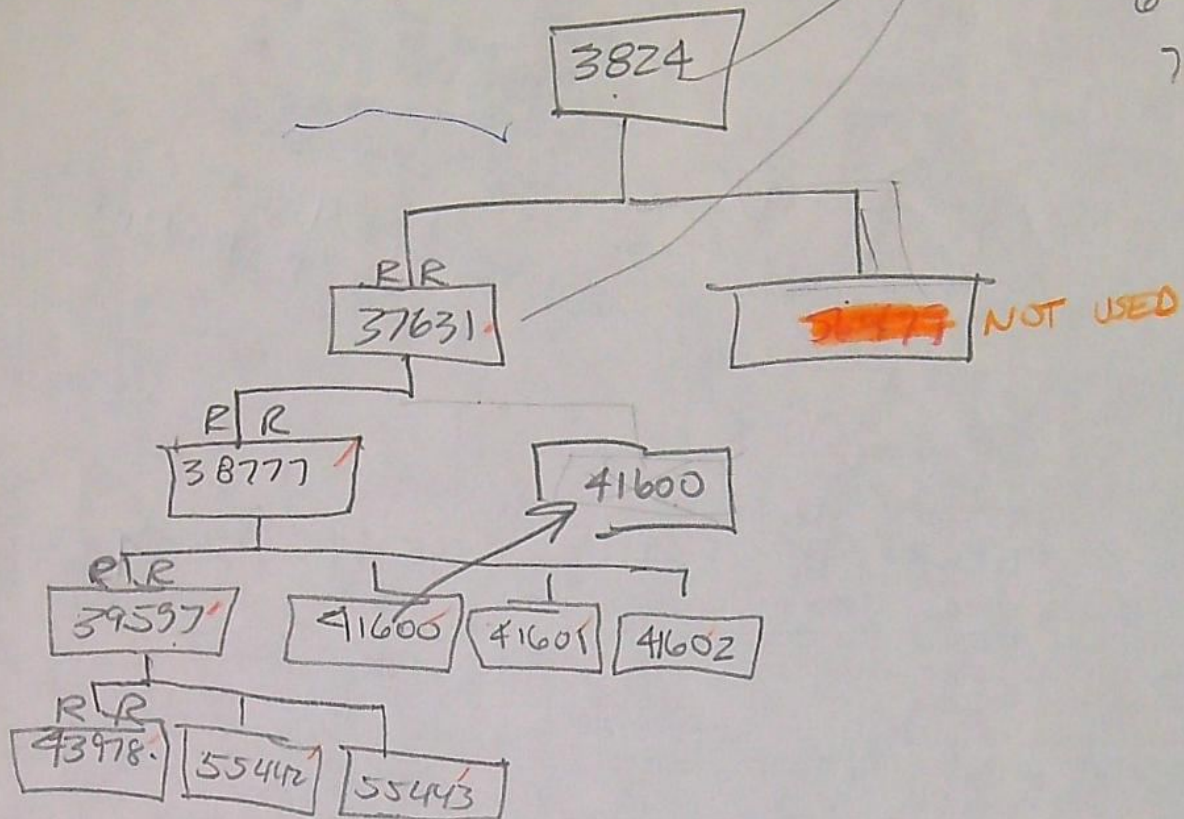
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51, page 55442

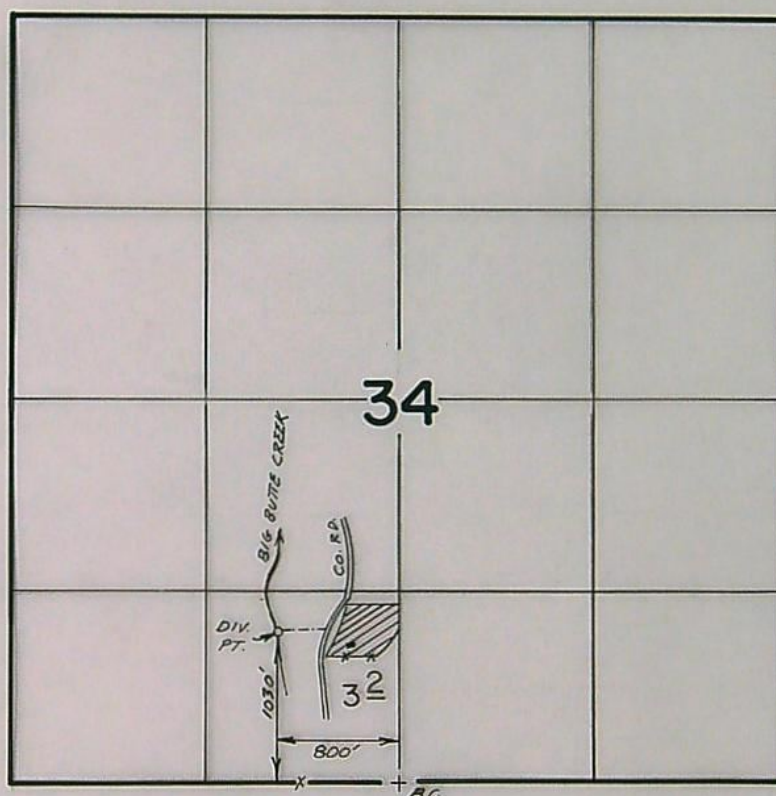
T-5289
-2831
2816

22 195
21 1

4 389
6 23
7 457



T. 33 S., R. 1 E., W.M.



Scale 1" = 1320'

FINAL PROOF SURVEY UNDER

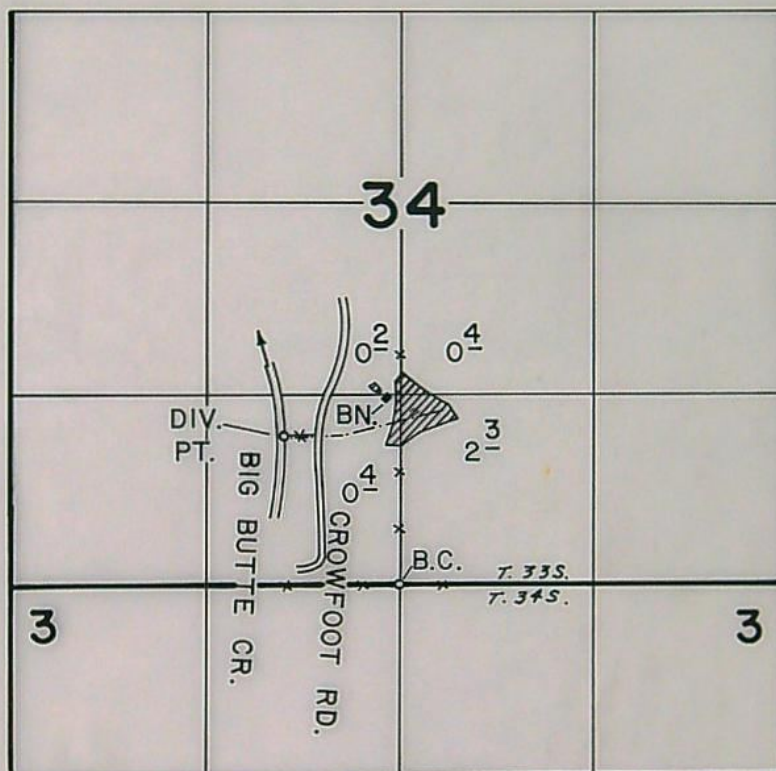
Transfer No. 2448

Application No. Permit No.
IN NAME OF

.....JOHN & GLORIA AXTELL.....

Surveyed July 14, 1988, by B.S. JAMES.....

T.33&34 S., R.1 E., W.M.



DIV. PT. LOC. - 1030 FT. N. & 800 FT. W. FROM S.1/4 COR., SEC.34.

FINAL PROOF SURVEY
UNDER

Transfer No. 2448

Application No. Permit No.
IN NAME OF

NORMAN & HELEN SMEDES C/O DENNIS & CAROLEE ENRIQUEZ

Surveyed JAN. 31 1980, by B. SUND

D.H.M.
PTS-1980-14-A

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This is to Certify, That

LUKE RYAN

of Medford, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Big Butte Creek

a tributary of for the purpose of Irrigation under Permit No. E. 168 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 447, on the 15th day of November, 1922; that the priority of the right hereby confirmed dates from April 15, 1913

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.13 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 8 acres in the Northwest quarter of Northeast quarter; 11 acres in the Southwest quarter of Northeast quarter; 24½ acres in the Northeast quarter of Northwest quarter and 12 acres in the Southeast quarter of Northwest quarter of Section Three, Township Thirty-four South, Range One; 11½ acres in the Northeast quarter of Southwest quarter; 21 acres in the Southeast quarter of Southwest quarter and 2 acres in the Northwest quarter of Southwest quarter of Section Thirty-four, Township Thirty-three South, Range One: All East of Willamette Meridian, in Jackson County, Oregon. Containing in all 90 acres of land.

*Pt. of div. changed for part of land
in Sec. 34, T. 33 S., R. 1 E. W. M., only -
See Sp. Or. Vol. 4, p. 389.*

*Pt. of div. changed for part of lands
in Sec. 34 - Sp. Or. Vol. 6, p. 23*

*Pt. of div. changed for pt. of land -
See Sp. Or. Vol. 7, p. 457*

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the seal and signature of the State

Water Board, affixed this 15th day

of November, 1922

STATE WATER BOARD
(Seal of State Water Board)

By PERCY A. CUPPER, State Engineer, President

Attest:

R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificate, Volume 5, page 3824

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF IRVIN H. ELROD FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)
FROM BIG BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 2448

On September 23, 1970, Irvin H. Elrod filed an application in the office of the State Engineer for the approval of a change in place of use of water from Big Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Luke Ryan and recorded at page 3824, Volume 5, State Record of Water Right Certificates, confirms a right to the use of 1.13 cubic feet per second of the waters of Big Butte Creek for the irrigation of, among other lands, 7.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 33 South, Range 1 East, W.M., with a date of priority of April 15, 1913.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 4.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 33 South, Range 1 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

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

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

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NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 7.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 33 South, Range 1 East, W.M., with a date of priority of April 15, 1913, be severed therefrom and simultaneously and without loss of priority, transferred to 4.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 33 South, Range 1 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1971.

It is FURTHER ORDERED that certificate of water right heretofore issued to Luke Ryan and recorded at page 3824, Volume 5, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Irvin H. Elrod confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 2nd day of April, 1971.

/s/ CHRIS L. WHEELER
State Engineer

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