

2589 Irvin H & Edna Elrod  
1036 Colham Drive  
San Jose, Calif 95117

2589

**STATUS OF APPLICATION**

**DESCRIPTION OF WATER RIGHT**

**FEEES PAID**

Change in Point of Diversion  
 Date filed November 23, 1971  
 Date of hearing MAY 24, 1972  
 Place of hearing \_\_\_\_\_  
 Date of order 8-24-72 Vol. 22, page 195  
 Date for application of water October 1, 1973  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued FEB 4 1975 Vol. ~~30~~ 33, page ~~28222~~ 41600

Name of stream Big Butte Creek  
 Trib. of \_\_\_\_\_ County of JACKSON  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 16  
 Name of ditch Ryan  
 Date of priority April 15, 1913  
 In name of Luke Ryan  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 2889 Per. No. E-168 Cert. No. ~~3822~~ 37631  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by slu

Date	Amount	Receipt No.
11-23-71	25.00	26228
11-23-71	35.00 P.O.N.	26229
5-8-72	2.89 P.O.N.	28206
TOTAL . . .		
5-8-72	\$3.00 Cert. Fee	28205

**FEEES REFUNDED**

Date	Amount	Check No.

**REMARKS**

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\_\_\_\_\_

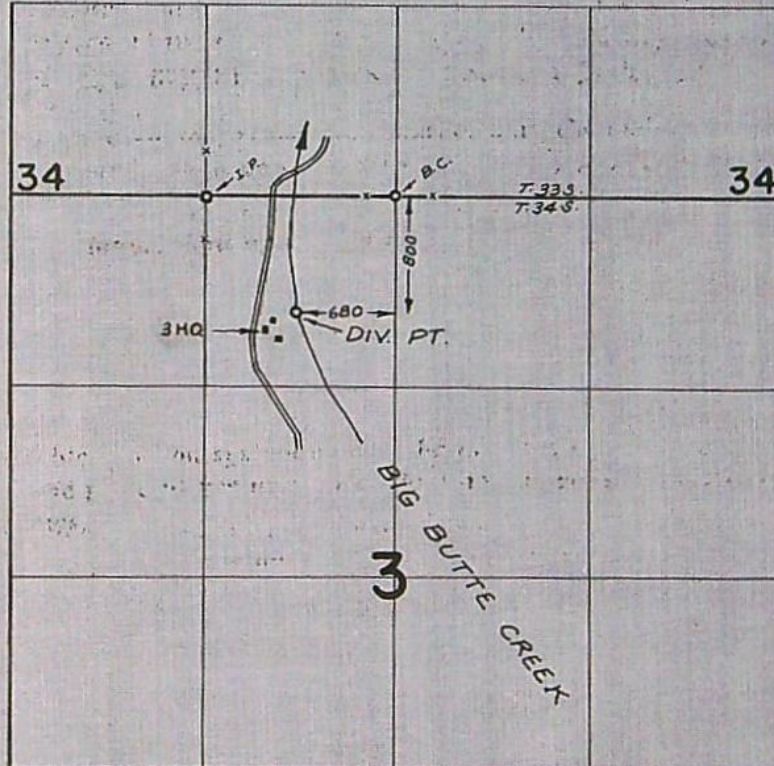
\_\_\_\_\_

\_\_\_\_\_

W.R.I.S.  
 Assembled 4-24-84 by [Signature]  
 Entered \_\_\_\_\_ by \_\_\_\_\_  
 Verified \_\_\_\_\_ by \_\_\_\_\_

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

# T.33&34S.R.IE.W.M.



## FINAL PROOF SURVEY UNDER

TRANSFER No. 2589

Application No. .... Permit No. ....  
IN NAME OF

..... IRVIN, H. & EDNA L. ELROD .....

Surveyed JUNE 10, 1974, by R. MUCKEN.

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Irvin H. and Edna L. Elrod ~~LUKE RYAN~~, State of California ~~Oregon~~, has made proof of 1086 Calboro Drive San Jose, 95117, to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Big Butte Creek

a tributary of Rogue River for the purpose of irrigation of ~~80.8~~ 1.6 acres

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; 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 ~~1.015~~ 0.995 cubic feet per second 0.02

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 ~~NE 1/4 SW 1/4, NW 1/4 SW 1/4, SE 1/4 SW 1/4, Section 34, T. 33 S., R. 1 E., W. M. SW 1/4 NE 1/4, NW 1/4 SE 1/4, SE 1/4 SE 1/4, Section 3, T. 34 S., R. 1 E., W. M.~~

800 ft. S. & 680 ft. W. from N 1/4 Cor Sec 3  
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 ~~3/80~~ 1/80 of one cubic foot per second per acre,

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:

1.6 acres NE 1/4 NW 1/4  
Section 3  
T.34 S. R.1 E. W.M.

This certificate is issued to confirm a change in Pt. of Div. approved by an order of the State Engineer entered Aug 24, 1972, and Together with 38777 Vol 30 supersedes certificate of water right heretofore issued to Luke Ryan and recorded at page 37631, Volume 29, State Record of Water Right Certificates.

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 ENGINEER of Oregon, of a right to the use of the waters of Big Butte Creek

a tributary of Rogue River for the purpose of irrigation of ~~80.8~~ 79.2 acres

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; 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 ~~1.015~~ cubic feet per second

0.995

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 $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, T. 33 S., R. 1 E., W. M. SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 3, T. 34 S., R. 1 E., W. M.

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 ~~1.015~~ of one cubic foot per second per acre,

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:

4.3 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
21.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	11.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 34	22.9 <del>24.5</del> acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
T. 33 S., R. 1 E., W. M.	12.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
	Section 3
	T. 34 S., R. 1 E., W. M.

Certificate of water right issued to Luke Ryan and recorded at page 37631, Volume 29, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 80.8 acres. A change in the right to the use of water <sup>point of diversion</sup> appurtenant to 1.6 acres was approved by order of the State Engineer entered August 24, 1972. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to Luke Ryan.

..... of the State Engineer, affixed  
this date. July 6, 1971

CHRIS L. WHEELER

State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF IRVIN H. AND EDNA L. ELROD FOR )  
THE APPROVAL OF A CHANGE IN POINT )  
OF DIVERSION OF WATER FROM BIG )  
BUTTE CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2589

On November 23, 1971, Irvin H. and Edna L. Elrod filed an application in the office of the State Engineer for a change in point of diversion 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 37631, Volume 29, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.015 cubic feet per second of water from Big Butte Creek for the irrigation of, among other lands, 1.6 acres in NE¼ NW¼, Section 3, Township 34 South, Range 1 East, W.M., with a date of priority of April 15, 1913. These lands are irrigated through Ryan Ditch from a point of diversion located North 56° 3' West, 1170 feet from the SE corner of Section 3, being within the SE¼ SE¼ of Section 3, Township 34 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water through a pumping plant at a point of diversion to be located 780 feet South and 715 feet West from the North ¼ corner of Section 3, being within the NE¼ NW¼ of Section 3, Township 34 South, Range 1 East, W.M.

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 May 24, 1972, 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 April 10, 17 and 24, 1972. 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 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 Big Butte Creek, to-wit:

From a point located North  $56^{\circ} 3'$  West 1170 feet from the SE corner of Section 3, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, Township 34 South, Range 1 East, W.M.

To a point to be located 780 feet South and 715 feet West from the North  $\frac{1}{4}$  corner of Section 3, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 3, Township 34 South, Range 1 East, W.M.

for the irrigation of 1.6 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 3, Township 34 South, Range 1 East, W.M., with a date of priority of April 15, 1913, 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, 1973.

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, and shall not exceed 0.02 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

ALL COTTON  
MILLERS FALLS  
GIBBARD ONION SKIN

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 certificate of water right heretofore issued to Luke Ryan and recorded at page 37631, Volume 29, 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 completion of the authorized change in point of diversion, a certificate of water right shall be issued to Irvin H. and Edna L. Elrod confirming the change in point of diversion.

Dated at Salem, Oregon, this 24th day of August, 1972.

/s/ CHRIS L. WHEELER  
State Engineer

ALL COTTON  
MILLERS FALLS  
GIBBARD ONION SKIN

NOTICE OF FILING  
APPLICATION FOR A  
CHANGE IN POINT OF  
DIVERSION OF WATER

Notice is given hereby that Irvin H. and Edna L. Elrod have filed an application for the approval of a change in point of diversion of water from Big Butte Creek.

Certificate of water right issued to Luke Ryan and recorded at page 37631, Volume 29, State Record of Water Right Certificates, confirms a right to the use of waters of the Big Butte Creek for the irrigation of, among other lands, 1.6 acres 66 NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 3, Township 34 South, Range 1 East, W.M., with a date of priority of April 15, 1913.

The water is conveyed to these lands by means of the Ryan Ditch, the point of diversion being located North 56° 3' West 1170 feet from the SE corner of Section 3, being within the SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 3, Township 34 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands by means of the pump at a point of diversion to be located 780 feet South and 715 feet West from the N<sup>1</sup>/<sub>4</sub> corner of Section 3, being within the NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 3, Township 34 South, Range 1 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on May 24, 1972, 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 Irvin H. and Edna L. Elrod, 1038 Caiboro Drive, San Jose, California, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 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 State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 5th day of April, 1972.

CHRIS L. WHEELER  
State Engineer

st

RECEIVED  
APR 27 1972  
STATE ENGINEER  
SALEM OREGON

## Affidavit of Publication

State of Oregon, }  
County of Jackson } ss.

1. Evalynne D. 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 Filing Appli. for Change in  
Point of Div. of Water Irvin & Edna Elrod, 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 April 10, 17, 24, 1972

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

Evalynne D. Smith

Subscribed and sworn to before me this 24th day of April, 19 72

Alta M. Lindsey  
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of October, 19 73