

2915

Loren J. & Laura L. Husk,
H. Robert Gilkey
10670 So. Elk Little Butte Cr. Rd.

2015

STATUS OF APPLICATION

Change in Point of Diversion
Date filed Nov. 6, 1973
Date of hearing 3-12-74
Place of hearing Medford
Date of order 3-18-74 Vol. 24, page 184-186
Date for application of water 10-1-75
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. 50, page 55267

DEC 12 1986

Surveyed 7-29-82 (Gilkey, Robert)
& Rush

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream So. Fork Little Butte Creek
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 18²
Name of ditch Clagg ditch
Date of priority February, 1894
In name of C.R. Moore
Little Butte Creek Adjudication, Vol. 14, page 522
App. No. _____ Per. No. _____ Cert. No. 35085
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
11-6-73	30.00	37323
11-6-73	45.00 P.O.N.	37324
TOTAL . . .		
2-11-74	\$150 Cert. Fee	From P.O.N.

FEES REFUNDED

Date	Amount	Check No.
2-11-74	\$7.44 P.O.N.	5650

INDEX CARDS:

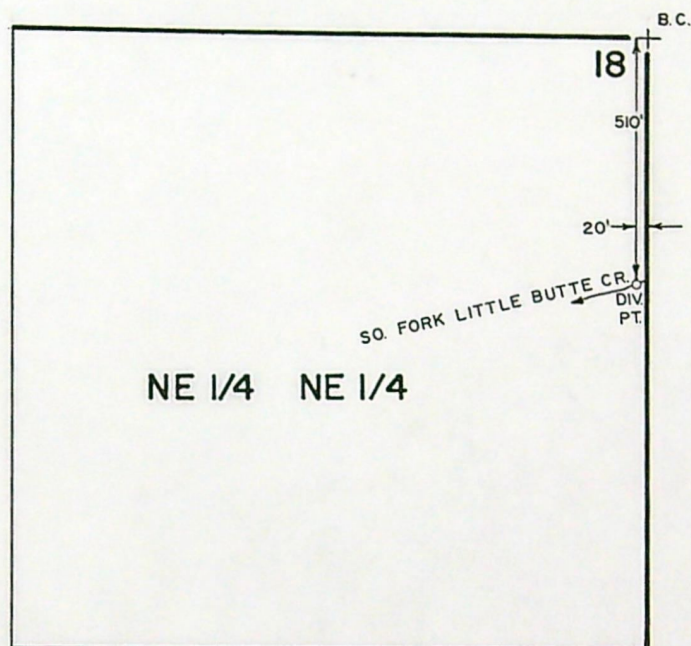
Entered

Checked

TO BE ENTERED WHEN CHECKED

<u>WC</u>	Name	<u>✓</u>	
<u>WC</u>	Stream	<u>✓</u>	
<u>WH</u>	Pt. of Div.	<u>✓</u>	
	Calendar	<u>✓</u>	
	CHECKED TO RECORDS:		
<u>✓</u>	Twp. & Rge.	<u>✓</u>	
<u>✓</u>	Decree-vault	<u>✓</u>	
<u>✓</u>	Decree-safe	<u>✓</u>	
<u>WC</u>	Cert. of W/R	<u>✓</u>	
	Per. Folder		
	Chainindex		
	Cross Ref.		
	Power Claim		
	Abstracts		

T. 37 S., R. 3 E., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2915

Application No. Permit No.
IN NAME OF

H. ROBERT GILKEY, & LOREN D. & LAURA L. RUSH

Surveyed JULY 29, 1982, by B. SUZIE JAMES.

SCALE: 1" = 400'

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF LOREN D. AND LAURA L. RUSH AND
H. ROBERT GILKEY FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM SOUTH FORK LITTLE
BUTTE CREEK

ORDER APPROVING
TRANSFER NO. 2915

On November 6, 1973, Loren D. and Laura L. Rush and H. Robert Gilkey filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from South Fork 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 C. R. Moore for the use of the waters of South Fork of Little Butte Creek for the irrigation of 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 8.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 37 South, Range 3 East, W.M., with a date of priority of February, 1894, as evidenced by certificate of water right recorded at Page 35085, Volume 27, State Record of Water Right Certificates. These lands are irrigated by means of the Clagg ditch from a point of diversion located South 77° 16' West, 908 feet from the North $\frac{1}{4}$ corner of Section 17, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 37 South, Range 3 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 820 feet South and 450 feet West from the Northeast corner of Section 18, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 37 South, Range 3 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 March 12, 1974, 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 January 18, 25, and February 1, 1974. 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 of water 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 change in point of diversion of water from South Fork Little Butte Creek, to wit:

From a point located South $77^{\circ} 16'$ West, 908 feet from the North $\frac{1}{4}$ corner of Section 17, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 37 South, Range 3 East, W.M.

To a point to be located 820 feet South and 450 feet West from the Northeast corner of Section 18, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 37 South, Range 3 East, W.M.

for the irrigation of 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 8.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 37 South, Range 3 East, W.M., with a date of priority of February, 1894, 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, 1975.

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 0.37 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.

Cibraltar 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.

By order of the State Engineer entered March 18, 1974, the right to the use of waters of South Fork of Little Butte Creek for the development of power in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 37 South, Range 3 East, W.M., evidenced by the certificate of water right recorded at Page 35085, State Record of Water Right Certificates, was canceled.

It is FURTHER ORDERED that certificate of water right heretofore issued to C. R. Moore and recorded at Page 35085, Volume 27, State Record of Water Right Certificates, is canceled, 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 Loren D. and Laura L. Rush and H. Robert Gilkey confirming the change in point of diversion.

Dated at Salem, Oregon, this 18th day of March, 1974.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That C. R. MOORE

of Lake Creek, State of Oregon, has a right to the use of the waters of South Fork of Little Butte Creek

a tributary of for the purpose of
 irrigation of 18.0 acres and power
 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 STATE ENGINEER, in Volume 14, at page 17202; that the priority of the right thereby
 confirmed dates from February, 1894 498

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 0.37 cubic foot per
 second; measured at the head of the ditch or the point where the same leaves
 the natural stream, from April 1st to October 1st of each year, for irrigation
 and 1.0 cubic foot per second for the development of power.

The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, T. 37 S., R. 3 E., W. M.

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

Place of use for Irrigation

10.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 8.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 18
 T. 37 S., R. 3 E., W. M.

Place of use for power

NE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 18
 T. 37 S., R. 3 E., W. M.

Canceled
3/18/74
V 24 P 182

Certificate of water right issued to C. R. Moore and recorded at page 17202, Volume 14, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 19.0 acres and power. Subsequently, the right to point of diversion for the irrigation of 1.0 acre was transferred by order of the State Engineer entered October 3, 1967. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to C. R. Moore.

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 State Engineer, affixed

this date July 25, 1968.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 27, page 35085

BEFORE THE STATE ENGINEER OF OREGON

JACKSON County

IN THE MATTER OF)
THE CANCELATION)
OF A WATER RIGHT)

O R D E R

Gilkey

On February 28, 1974, Loren D. and Laura L. Rush and H. Robert submitted an affidavit that they ~~(is, are)~~ the owner(s) of a water right and the lands to which the right is appurtenant; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

The water right in question is for the use of not to exceed 1.00 cubic foot per second of the waters from South Fork of Little Butte Creek for the ~~irrigation of~~ development of power within the ~~NE 1/4~~ NE 1/4 NE 1/4, Sec. 18, T. 37 S., R. 3 E., W.M.,

with a date of priority of February, 1894, and is evidenced by certificate of water right recorded at page 35085, Volume 27, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.37 cubic foot per second of the waters of South Fk. of Little Butte Creek for irrigation of 10.0 acres in NE 1/4 NE 1/4, and 8.0 acres in NW 1/4 NE 1/4, Sec. 18, T. 37 S., R. 3 E., W.M.,

with a date of priority of February, 1894, is not in question.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the

water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the right for the use of not to exceed 1.00 cubic foot per second of the waters of ~~for the irrigation of~~
South Fork of Little Butte Creek for development of power within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 37 S., R. 3 E., W.M.,

with a date of priority of February, 1894, is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at page 35085, Volume 27, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Loren D. & Laura L. Rush and H. Robert Gilkey covering that part of the water right not in question which is for the appropriation of not to exceed 0.37 cubic foot per second of the waters of S. Fk. of Little Butte Ck, a tributary of _____, with a date of priority of February, 1894, for irrigation of 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 8.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18,
--- T. 37 S., R. 3 E., W.M.

Dated at Salem, Oregon, this _____ day of _____.

CHRIS L. WHEELER
State Engineer