

2553

2553 D & D McLean
Star Rt. 3 Box 1355
Trail Ore. 97541

STATUS OF APPLICATION

Change in Point of Diversion
Date filed August 9, 1971
Date of hearing December 28, 1971
Place of hearing Medford, Oregon
Date of order 3-27-73 Vol. 23, page 49
Date for application of water October 1, 1973
Proof mailed _____
Proof received _____
Certificate issued NOV 21 1973 Vol. 31, page 39597
FEB 4 1975 Vol. 33, page 41601
2-10-75 ues

DESCRIPTION OF WATER RIGHT

Name of stream Big Butte Creek
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 1.72
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. 38213
Certificate cancelled _____ 37691 38777
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
8-9-71	25.00	25131
8-9-71	40.00 POW	25132
TOTAL	\$2.00 \$1 Cert. Fee	From Pub. of Medic.
11-19-71	.50	44838

FEES REFUNDED

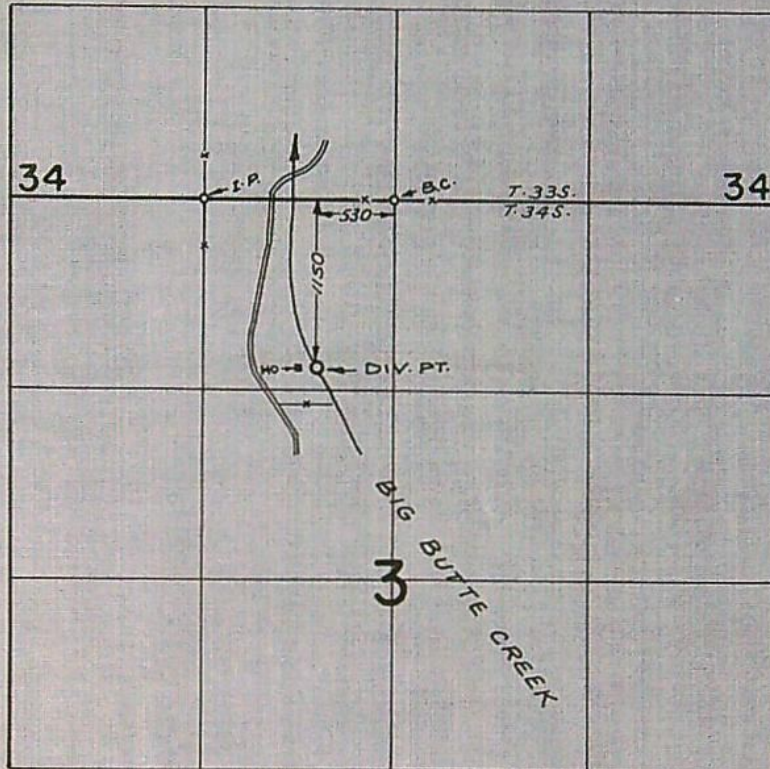
Date	Amount	Check No.
11-9-71	\$11.91 Pub. of Med.	4475

REMARKS

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

W.R.I.S.
Assembled 4-24-84 fic
Entered _____ by _____
Verified _____ by _____

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



FINAL PROOF SURVEY UNDER

TRANSFER NO. 2553

Application No. Permit No.
IN NAME OF

..... DONALD & DOROTHY McLEAN

Surveyed JUNE 10, 1974, by R. MUCKEN...

A
(B-2551)

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

^{6900 Crowfoot Rd.} This Is to Certify, That ~~LUKE RYAN~~ ^{Donald and Dorothy McLean} ⁹⁷⁵⁴¹ 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

of ~~Star Pt 3 Box 1355~~ ^{Medford Trail} a tributary of ~~79.2~~ ^{76.85} ~~acres~~ ^{1.72} for the purpose of irrigation of ~~79.2~~ ^{76.85} ~~acres~~ ^{1.72}

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 ~~0.995~~ ^{0.955} cubic foot 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 SW 1/4, NW 1/4 SW 1/4, SE 1/4 SW 1/4~~ ^{NE 1/4 NW 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. ^{1150 ft. S. + 530 ft. W. from NW 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 ~~-----~~ ^{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:

1.2 acres NE 1/4 NW 1/4
0.52 acre SE 1/4 NW 1/4
Sec 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 March 27, 1973, and ^{Together with 39597 Vol 1} supersedes certificate of water right heretofore issued to Luke Ryan and recorded at page 38777, Volume 30, State Record of Water Right Certificates. (B)

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF DONALD AND DOROTHY McLEAN)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
BIG BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 2553

On August 9, 1971, Donald and Dorothy McLean filed an application in the office of the State Engineer 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 38777, Volume 30, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.995 cubic foot per second of water from Big Butte Creek for the irrigation of, among other lands, 1.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.52 of an acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 34 South, Range 1 East, W.M., with a date of priority of April 15, 1913. These lands are irrigated by means of the Ryan Ditch from a point of diversion located North 56° 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.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation by means of a pump located at a point of diversion 1160 feet South and 550 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.

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 December 28, 1971, 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 November 1, 8, and 15, 1971. 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 1160 feet South and 550 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 1.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.52 of an acre in SE $\frac{1}{4}$ 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.

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.

Curtis and Vera Bennett have filed an application for approval of a change in point of diversion for the irrigation of 0.65 acres of the right evidenced by the certificate recorded at page 38777, Volume 30, State Record of Water Right Certificates.

It is FURTHER ORDERED that certificate of water right heretofore issued to Luke Ryan and recorded at page 38777, Volume 30, 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 excluding the lands described in the application of Curtis and Vera Bennett, 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 Donald and Dorothy McLean confirming the change in point of diversion.

Dated at Salem, Oregon, this 27th day of March, 1973.

/s/ CHRIS L. WHEELER
State Engineer

OLD COUNCIL TREE
UNIONSKIN
100% COTTON FIBER

RECEIVED
NOV 18 1971

STATE ENGINEER
SALEM OREGON

Affidavit of Publication

State of Oregon, }
County of Jackson } ss.

Sarah Hayes

1. _____, 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 Application for Change in Point of Diversion of Water

_____ a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for _____ 3 _____ successive and consecutive _____ wks _____ in the

following issues Nov 1, 8, 15, 1971

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

Sarah Hayes

Subscribed and sworn to before me this 15th day of Nov, 1971

Alta M. Lindsey

NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of Oct., 1973

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

Notice is given hereby that Donald and Dorothy McLean 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 1.015 cubic feet per second of water from Big Butte Creek for the irrigation of, among other lands, 1.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.52 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 34 S., R. 1 E., W.M., with a date of priority of April 15, 1913. These lands are irrigated by means of the Ryan Ditch from a point of diversion located N 56° 3' W, 1170 ft. from the SE corner of Sec. 3 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 3, T. 34 S., R. 1 E., W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 1160 ft. S and 550 ft. W from the N $\frac{1}{4}$ corner of Sec. 3 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 3, T. 34 S., R. 1 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on December 28, 1971, 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 Donald and Dorothy McLean, Star Route 3, Box 1355, Trail, Oregon, 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 upon request by the State Engineer.

Dated at Salem, Oregon, this 26th day of October, 1971.

CHRIS L. WHEELER
State Engineer