

2554 Curtis + Vera Bermet
 Star Rt. 3, Box 1360
 Trail, Ore. 97541

2554

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 4-5-73 Vol. 23, page 74
 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 41602

DESCRIPTION OF WATER RIGHT

Name of stream Big Butte Creek
 Trib. of - County of Jackson
 Use Irrigation
 Quantity of water _____ No. of acres 0.65
 Name of ditch Ryan
 Date of priority April 15, 1913
 In name of Luke Ryan
 _____ Adjudication, Vol. _____, page 3
 App. No. 2889 Per. No. E-168 Cert. No. 37641
 Certificate cancelled _____ 38777
 Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
8-9-71	25.00	25729
8-9-71	10.00 ^{PON}	25130
TOTAL . . .	\$300	
11-19-71	\$1 Cert. Fee	from Prod 7/14/71
1-22-75	50	44913

FEES REFUNDED

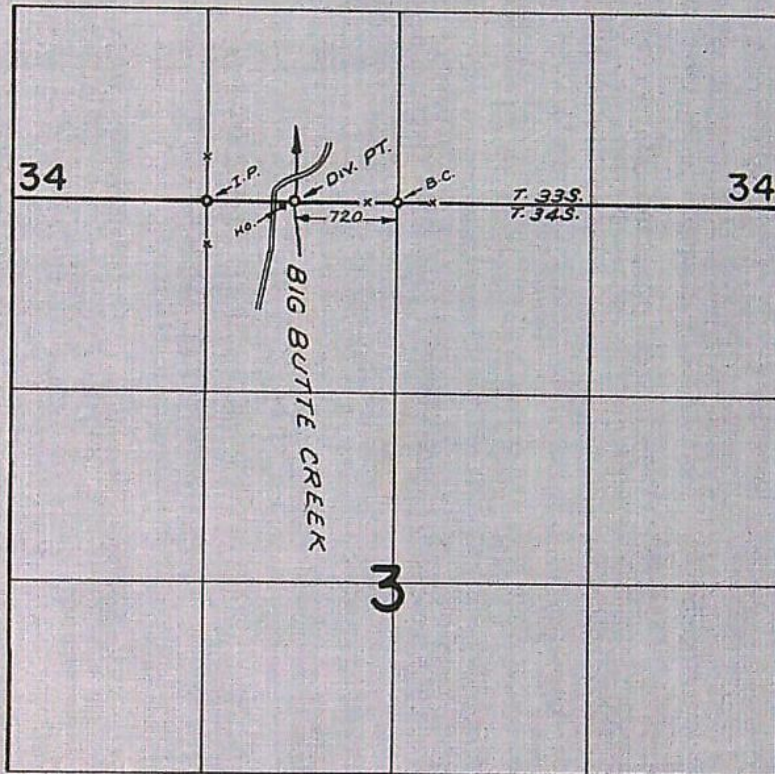
Date	Amount	Check No.
11-19-71	\$12.33	4476

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>0</u>	___
<input checked="" type="checkbox"/> Stream	<u>0</u>	___
<input checked="" type="checkbox"/> Pt. of Div.	<u>0</u>	___
<input checked="" type="checkbox"/> Calendar	<u>0</u>	___
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>WK</u>	___
<input type="checkbox"/> Decree-vault	___	___
<input type="checkbox"/> Decree-safe	___	___
<input checked="" type="checkbox"/> Cert. of W/R	<u>WK</u>	___
<input checked="" type="checkbox"/> Per. Folder	<u>WK</u>	___
<input type="checkbox"/> Chaindex	___	___
<input type="checkbox"/> Cross Ref.	___	___
<input checked="" type="checkbox"/> Power Claim	___	___
<input checked="" type="checkbox"/> Abstracts	___	___

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

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



FINAL PROOF SURVEY UNDER

TRANSFER No. 2554

Application No. Permit No.
IN NAME OF

..... CURTIS & VERA BENNETT

Surveyed JUNE 11, 1974, by R. MUCKEN.

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF CURTIS AND VERA BENNETT FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM BIG)
BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 2554

On August 9, 1971, Curtis and Vera Bennett 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, pursuant to the provisions of ORS 540.510 to 540.530.

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 .008 cubic foot per second of water from Big Butte Creek for the irrigation of, among other lands, 0.65 of an acre in the 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 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 for irrigation by means of a pump to be located at a point of diversion 20 feet North and 740 feet West from the South ¼ corner of Section 34, being within the SE¼ SW¼ of Section 34, Township 33 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,

100% COTTON FIBER

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 E. 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° 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.

To a point to be located 20 feet North and 740 feet West from the South ¼ corner of Section 34, being within the SE¼ SW¼ of Section 34, Township 33 South, Range 1 East, W.M.

for the irrigation of 0.65 of an acre in the NE¼ NW¼, Section 3, Township 34 South, Range 1 East, W.M., with a date of priority of April 15, 1913.

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 0.01 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.

The Order of the State Engineer entered March 27, 1973 approved an application of Donald and Dorothy McLean for a change in point of diversion for the irrigation of 1.72 acres, and canceled the certificate recorded at page 38777, Volume 30, State Record of Water Right Certificates.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate shall be issued to Curtis and Vera Bennett confirming the change in point of diversion.

Dated at Salem, Oregon, this 5th day of April, 1973.

/s/

CHRIS L. WHEELER
State Engineer

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

Notice is given hereby that Curtis and Vera Bennett 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, 0.65 acre in NE $\frac{1}{4}$ 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 20 ft. N and 740 ft. W from the S $\frac{1}{4}$ corner of Sec. 34 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 34, T. 33 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 Curtis and Vera Bennett, Star Route 3, Box 1360, 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

Affidavit of Publication

RECEIVED
NOV 18 1971
STATE ENGINEER
SALEM OREGON

State of Oregon, }
County of Jackson } ss.

1. Sarah Hayes, 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 Filing of Application for change in Point of Diversion of Water (Bennett et al), a 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 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

Chris L. Wheeler

NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of Oct., 1973