

2556 Newton J. Elder
4255 Foote Creek Rd
Gold Hill, Ore. 97525

2556

STATUS OF APPLICATION

Change in Place of Use
Date filed August 17, 1971
Date of hearing _____
Place of hearing _____
Date of order 11-15-71 Vol. 21, page 301
Date for application of water 10-1-72 *Extended to 10-1-73*
Proof mailed JUN 5 1979
Proof received _____
Certificate issued JUL 23 1979 Vol. 41, page 18356
8-6-79 to survey again 11/77

DESCRIPTION OF WATER RIGHT

Name of stream Middle Fork Foote Creek
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 7 2
Name of ditch _____
Date of priority February 17, 1965
In name of Newton James Elder
_____ Adjudication, Vol. _____, page _____
App. No. 40601 Per. No. 30243 Cert. No. 36886
Certificate cancelled _____
Notation made on record by slw

FEES PAID

Date	Amount	Receipt No.
<u>8-17-71</u>	<u>20.00</u>	<u>25221</u>
TOTAL . . .		
<u>7-12-79</u>	<u>\$1 Cert. Fee</u>	<u>12783</u>

FEES REFUNDED

Date	Amount	Check No.
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REMARKS

Form 130 sent JUL 6 1979

W.R.I.S.

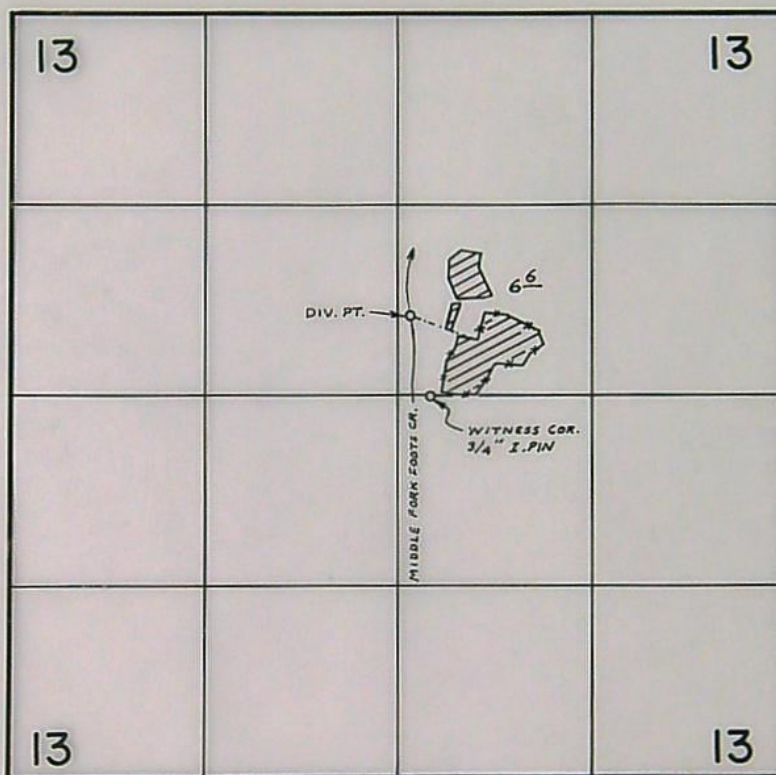
Assembled 2/1/85 by GLH

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>slw</u>	___
<input checked="" type="checkbox"/>	Stream	<u>slw</u>	___
<input checked="" type="checkbox"/>	Pt. of Div.	<u>slw</u>	___
<input checked="" type="checkbox"/>	Calendar	<u>slw</u>	___
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:		
<input checked="" type="checkbox"/>	Twp. & Age	<u>slw</u>	___
<input checked="" type="checkbox"/>	Decree-vault	___	___
<input checked="" type="checkbox"/>	Decree-sale	___	___
<input checked="" type="checkbox"/>	Cert. of W. L.	<u>slw</u>	___
<input checked="" type="checkbox"/>	Per. Folder	<u>slw</u>	___
<input checked="" type="checkbox"/>	Chainindex	___	___
<input checked="" type="checkbox"/>	Cross Ref.	___	___
<input checked="" type="checkbox"/>	Power Claim	___	___
<input checked="" type="checkbox"/>	Abstracts	___	___

T. 37 S., R. 4 W., W.M.



DIV. PT. LOC. : 550' N. & 70' E FROM GEN. 1/4 SEC. 13

FINAL PROOF SURVEY
UNDER

Transfer No. 2556

Application No. _____ Permit No. _____
IN NAME OF

NEWTON JAMES ELDER

Surveyed SEPT. 29 1978, by B. SUND

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF NEWTON JAMES ELDER FOR THE AP-)
PROVAL OF A CHANGE IN PLACE OF USE)
OF WATER FROM MIDDLE FORK OF FOOTS)
CREEK)

ORDER APPROVING
TRANSFER NO. 2556

On August 17, 1971, Newton James Elder filed an application in the office of the State Engineer for the approval of a change in place of use of water from Middle Fork of Foots Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Newton James Elder and recorded at page 36886, Volume 28, State Record of Water Right Certificates, confirms a right to the use of 0.10 cubic foot per second of the waters of Middle Fork of Foots Creek for the irrigation of 0.1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 6.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 37 South, Range 4 West, W.M., with a date of priority of February 17, 1965.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 7.7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 37 South, Range 4 West, 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.

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 0.1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 6.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 37 South, Range 4 West, W.M., with a date of priority of February 17, 1965, be severed therefrom and simultaneously and without loss of priority, transferred to 7.7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 37 South, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1972.

It is FURTHER ORDERED that certificate of water right heretofore issued to Newton James Elder and recorded at page 36886, Volume 28, State Record of Water Right Certificates, is canceled 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 Newton James Elder confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 15th day of November, 1971.

/s/ CHRIS L. WHEELER
State Engineer