

STATUS OF APPLICATION

Change in Place of Use
 Date filed September 7, 1971
 Date of hearing _____
 Place of hearing _____
 Date of order 3-22-73 Vol. 23, page 31
 Date for application of water 10-1-73
 Proof mailed _____
 Proof received _____
 Certificate issued NOV 21 1973 Vol. 31, page 39590
DEC 12 1986 50 55224

DESCRIPTION OF WATER RIGHT

Name of stream Big Butte Creek
 Trib. of — County of Jackson
 Use Irrigation
 Quantity of water — No. of acres 0.7
 Name of ditch —
 Date of priority June 8, 1910
 In name of Earl E. Remsen and Robert E. & Geraldine L. Powell
William Doubleday
 Adjudication, Vol. _____, page _____
 App. No. 756 Per. No. 376 Cert. No. 750
 Certificate cancelled 37632
 Notation made on record by sl

FEES PAID

Date	Amount	Receipt No.
9-7-71	20.00	25389
TOTAL . . .	3.00 \$ Cert. Fee	32650
3-2-73		

FEES REFUNDED

Date	Amount	Check No.

*****Robert E. & Geraldine L. Powell, 1900 Fish Lake Rd., Butte Falls, OR 97522 Vol. 6 Page 41
 7-19-76*****

REMARKS

See also T-2569

The 0.7 ac in its new location is owned by Robert E Powell

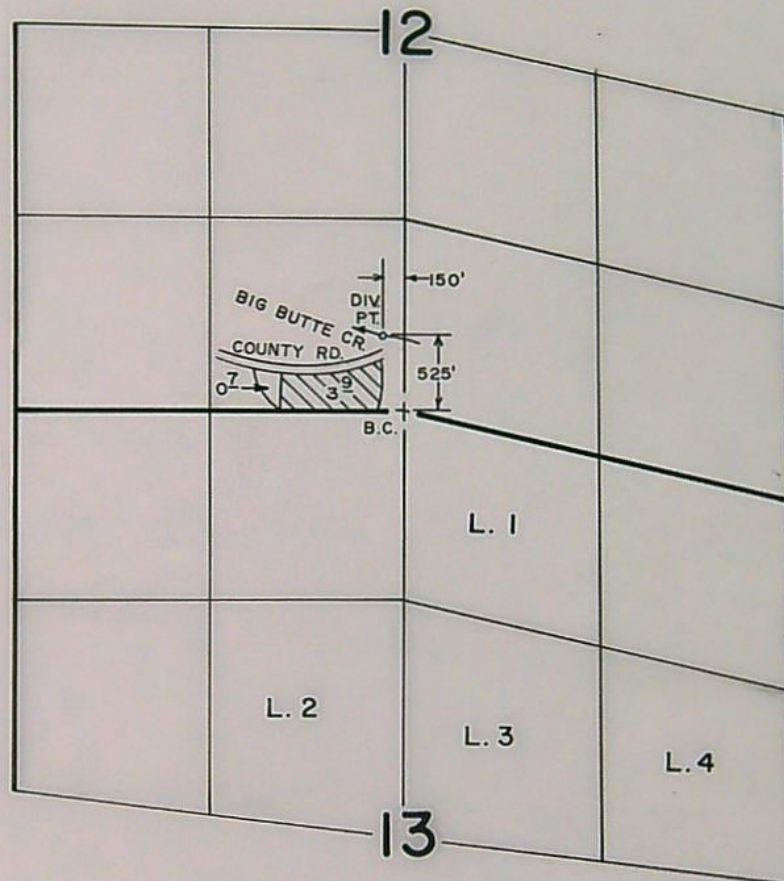
W.R.I.S.

Assembled 10/18/84 by CLH
 Entered _____ by _____
 Verified _____ by _____

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

TO BE ENTERED WHERE CHECKED

T. 35 S., R. 2 E., W. M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2569 & 2568

Application No. Permit No.
IN NAME OF

..... ROBERT EARLE POWELL

Surveyed JULY 15, 1982, by BRUCE R. SUND

SCALE: 4" = 1 MILE

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF EARL E. REMSEN FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM BIG BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 2568

On September 7, 1971, Earl E. Remsen filed an application in the office of the State Engineer for the approval of a change in place of use of water from Big Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Earl E. Remsen, Robert E. and Geraldine L. Powell and recorded at page 37632, Volume 29, State Record of Water Right Certificates, confirms a right to the use of 0.25 cubic foot per second of the waters of Big Butte Creek for the irrigation of, among other lands, 0.7 acre in NE¼ NW¼, Section 13, Township 35 South, Range 2 East, W.M., with a date of priority of June 8, 1910.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 0.7 acre in SE¼ SW¼, Section 12, Township 35 South, Range 2 East, 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 0.7 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 35 South, Range 2 East, W.M., with a date of priority of June 8, 1910, be severed therefrom and simultaneously and without loss of priority, transferred to 0.7 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 35 South, Range 2 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

Robert Earl Powell has filed an application for approval of a change in place of use for the irrigation of 3.2 acres of the right evidenced by the certificate recorded at page 37632, Volume 29, State Record of Water Right Certificates.

It is FURTHER ORDERED that certificate of water right heretofore issued to Earl E. Remsen, Robert E. Powell and Geraldine L. Powell, and recorded at page 37632, 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 excluding the lands described in the application of Robert Earl Powell, and upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water is transferred hereby, a certificate of water right shall be issued to Earl E. Remsen confirming the extent the water has been applied beneficially.

Dated at Salem, Oregon, this 22nd day of March, 1973.

/s/ CHRIS L. WHEELER
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF EARL E. AND LOIS W. REMSEN FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM BIG)
BUTTE CREEK)

O R D E R

APPROVING APPLICATION

On December 27, 1962, Earl E. and Lois W. Remsen of Butte Falls, Oregon, 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 Hiram Doubleday and recorded at page 750, Volume 1, State Record of Water Right Certificates, confirms a right under Permit No. 376 to the use of the waters of Big Butte Creek for the irrigation of 20 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 35 South, Range 2 East, W. M., with a date of priority of June 8, 1910. These lands are irrigated through the Doubleday ditch, the point of diversion of said ditch being located 335 feet South and 1260 feet East from the northwest corner of Section 18, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 18, Township 35 South, Range 3 East, W. M.

The applicants herein, owners of the lands above described, propose to irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located 475 feet North and 104 feet West from the S $\frac{1}{4}$ corner of Section 12, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 12, Township 35 South, Range 2 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 February 28, 1963, at 9:30 o'clock 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 6, 13 and 20, 1963. The date set for hearing in said notice was not less than thirty days after the last publication of said 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 335 feet South and 1260 feet East from the northwest corner of Section 18, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 18, Township 35 South, Range 3 East, W. M.

To a point to be located 475 feet North and 104 feet West from the S $\frac{1}{2}$ corner of Section 12, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 12, Township 35 South, Range 2 East, W. M.

for the irrigation of 20 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 35 South, Range 2 East, W. M., with a date of priority of June 8, 1910, be and the same 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, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

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

That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Jackson County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 26th day of March, 1963.

/s/CHRIS L. WHEELER
State Engineer