

DESCRIPTION OF WATER RIGHT

FEES PAID

Name of stream Big Butte Creek
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 84E
Name of ditch Ryan ditch
Date of priority April 15, 1913
In name of Luke Ryan
_____, Adjudication, Vol. _____, page _____
App. No. 2889 Per. No. E-168 Cert. No. 3877
Certificate cancelled _____
Notation made on record by _____

App. No. 2889 Per. No. E-168 Cert. No. 38777 39597

Certificate cancelled

Notation made on record by

REMARKS

Date	Amount	Receipt No.
7-73	30.00	33851
7-73	44.60 P.O.N.	33852
-73	3.07 P.O.N.	36879
AL . . .		
	300	
73	Cert. Fee	36880

FEES REFUNDED

Date	Amount	Check No.
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JAN 22 1987

51

55442

Sec T-5289
APR 22 20
CLOSED / NO CHANGE

See also T-2831

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<u>WH</u>	Name	<u>✓</u>	<u> </u>
<u>WH</u>	Stream	<u>✓</u>	<u> </u>
<u>WH</u>	Pl. of Div.	<u>✓</u>	<u> </u>
<u>WH</u>	Calendar	<u>✓</u>	<u> </u>
CHECKED TO RECORDS:			
<u>✓</u>	Twp. & Rge.	<u>nel</u>	<u> </u>
<u> </u>	Decree-vault	<u> </u>	<u> </u>
<u> </u>	Decree-safe	<u> </u>	<u> </u>
<u>✓</u>	Cert. of W/R	<u>nd</u>	<u> </u>
<u>✓</u>	Per. Folder	<u>nd</u>	<u> </u>
<u> </u>	Chaindex	<u> </u>	<u> </u>
<u> </u>	Cross Ref.	<u> </u>	<u> </u>
<u> </u>	Power Claim	<u> </u>	<u> </u>
<u> </u>	Abstracts	<u> </u>	<u> </u>

4-2484 ☺/g

Entered by
Verified by

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ROBERT L. AND CLARICE W. HARPER

of 130 E. Mountain View, Porterville, State of CA 93257, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
Big Butte Creek

a tributary of Rogue River
irrigation of 8.48 acres

for the purpose of

under Permit No. E-168 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
0.105 cubic foot per second, if available at the original point of diversion;
SE 1/4 SE 1/4, Section 3, T34S, R1E, WM; Ryan Ditch - North 56 degrees 3
minutes West, 1170 feet from SE corner Section 3 and shall not exceed 0.028*
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 NW 1/4, NW 1/4 SE 1/4, Section 3,
T34S, R1E, WM; Diversion No. 1 - 400 feet South and 580 feet East from NW
corner, NE 1/4 NW 1/4, Section 3; Diversion No. 2 - 410 feet South and 600
feet East from C 1/4 corner Section 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 one-eightieth of one cubic foot per second
per acre,

*cubic foot per second at Diversion No. 1 and 0.077 cfs at Diversion No. 2

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:

SEE NEXT PAGE

Diversion No. 1

2.30 acres NE 1/4 NW 1/4
Section 3

Diversion No. 2

1.60 acres NE 1/4 NW 1/4
4.58 acres SE 1/4 NW 1/4
Section 3
Township 34 South, Range 1 East, WM

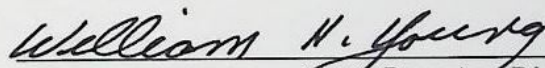
This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the Water Resources Director entered October 12, 1976, and together with certificates of water right recorded at pages 43978 & 55443, Volumes 36 & 51, State Record of Water Right Certificates, supersedes certificate of water right recorded at page 39597, Volume 31, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. January 22, 1987


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51, page 55442

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That LUKE RYAN

of Medford, State of Oregon, 97501, 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

a tributary of Rogue River for the purpose of irrigation of 76.83 acres

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 0.955 cubic foot per second

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 $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, T. 33 S., R. 1 E., W. M., SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, T. 34 S., R. 1 E., W. M.

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 _____ 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:

4.3 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
21.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 34
T. 33 S., R. 1 E., W. M.

8.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
11.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
21.05 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
11.48 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 3
T. 34 S., R. 1 E., W. M.

Certificate of water right issued to Luke Ryan and recorded at page 38777, Volume 30, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 79.2 acres. A change in point of diversion appurtenant to 2.37 acres was approved by orders of the State Engineer entered March 27, 1973 and April 5, 1973. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to Luke Ryan.

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. November 21, 1973

Chris L. Wheeler
State Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION OF }
ROBERT L. AND CLARICE W. HARPER FOR }
THE APPROVAL OF A CHANGE IN PLACE OF }
USE AND POINT OF DIVERSION OF WATER }
FROM BIG BUTTE CREEK }

ORDER APPROVING
TRANSFER NO. 2816

On May 17, 1973, Robert L. and Clarice W. Harper filed an application in the office of the Water Resources Director for the approval of a change in place of use and 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 39597, Volume 31, State Record of Water Right Certificates, confirms a right which includes the use of not to exceed 0.105 cubic foot per second of water from Big Butte Creek for the irrigation of, among other lands, 6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 2.48 acres 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 Ryan ditch from a point of diversion located North 56 degrees 3 minutes West, 1170 feet from the Southeast corner of Section 3, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 34 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes a change in place of use of irrigation from a certain 2.1 acre tract in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ to a certain 2.1 acre tract in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 34 South, Range 1 East, W.M.; and changes in point of diversion for all of the said lands to:

- (1) A point to be located 585 feet South and 800 feet West from the North quarter-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 2.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 34 South, Range 1 East, W.M.; and

- (2) A point to be located 420 feet South and 675 feet East from the center of Section 3, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 34 South, Range 1 East, W.M.

for the irrigation of 1.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.58 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 34 South, Range 1 East, W.M.

Notice of the application, pursuant to ORS 540.510, 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 August 21, 28 and September 4, 1973.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed changes in place of use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion from Big Butte Creek, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.028 cubic foot per second at point of diversion No. 1 and 0.077 cubic foot per second at point of diversion No. 2.

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.

It is FURTHER ORDERED that the construction work shall be completed, the change in point of diversion of water made, and the said water so transferred shall be applied to beneficial use on or before October 1, 1977.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Luke Ryan and recorded at Page 39597, Volume 31, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to Robert L. and Clarice W. Harper.

Dated at Salem, Oregon, this 12th day of October, 1976.

/s/ JAMES E. SEXSON
Director

**NOTICE OF FILING
APPLICATION FOR A CHANGE
IN POINT OF DIVERSION
AND PLACE OF USE OF WATER**

Notice is given hereby that Robert L. and Clarice W. Harper have filed an application for the approval of a change in point of diversion and place of use 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 feet per second of water from Big Butte Creek for the irrigation of, among other lands, 6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.48 acres 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. Water for this use is diverted from a point 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 land above described, proposes to change the place of use for the irrigation of 2.1 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 34 South, Range 1 East, to 2.1 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 34 South, Range 1 East, W.M., and to irrigate these lands together with 1.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 2.48 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ from a point of diversion located 420 feet South and 675 feet East from the center of Section 3, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, and to irrigate 2.3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, from a point of diversion located 585 feet South, and 800 feet West from the North $\frac{1}{4}$ corner of Section 3, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 34 South, Range 1 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on October 12, 1973, 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 Robert L. and Clarice W. Harper, 130 East Mountain View, Porterville, California 93257, 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 by the State Engineer upon request.

Dated at Salem, Oregon, this 14th day of August, 1973.

CHRIS L. WHEELER
State Engineer

Affidavit of Publication

RECEIVED

SEP 6 1973

STATE ENGINEER
SALEM, OREGON

State of Oregon,

County of Jackson

SS.

1. Evalynne D. Smith, 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 Appli. for a Change in

Point of Diversion of Water - Harper, 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 Aug. 21, 28, Sept. 4, 1973

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

Evalynne D. Smith

Subscribed and sworn to before me this 4th day of Sept., 1973

Allen M. Lindsey
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of October, 1973