

2831

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed June 11, 1973
 Date of hearing October 16, 1973
 Place of hearing Medford, Ore.
 Date of order 10-12-76 Vol. 28, page 38
 Date for application of water 10-1-77
 Proof mailed _____
 Proof received _____
 Certificate issued NOV 23 1976 Vol. 36, page 43978
JAN 22 1987 51 55443

DESCRIPTION OF WATER RIGHT

Name of stream Big Butte Creek
 Trib. of _____ County of Jackson
 Use Irrigation
 Quantity of water _____ No. of acres 45
 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. 36777 39597
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-11-73</u>	<u>25.00</u>	<u>34534</u>
<u>6-11-73</u>	<u>40.00 P.O.N.</u>	<u>34535</u>
<u>10-1-73</u>	<u>33 P.O.N.</u>	<u>36842</u>
TOTAL . . .	<u>150</u>	<u>36843</u>
<u>10-1-73</u>	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

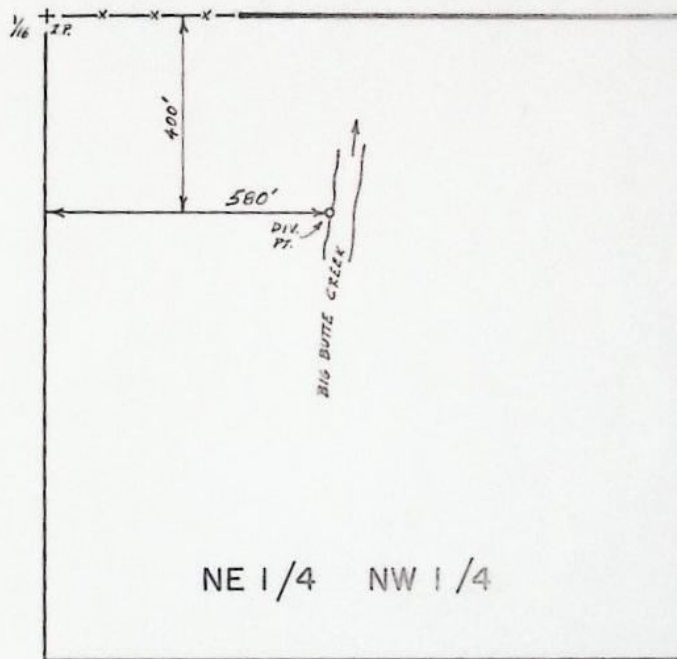
REMARKS

See T#2816 for set of maps, etc. re changes to original right

W.R.I.S.
 Assembled 4-24-84 by [Signature]
 Entered _____ by _____
 Verified _____ by _____

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

T. 34 S., R. 1 E., W. M.
Sec. 3



Scale 1" = 400'



FINAL PROOF SURVEY
UNDER

Transfer No. 2831

Application No. Permit No.
IN NAME OF

GEORGE PEARSON - OBSTINATE J. RANCH

Surveyed May 1, 1979, by B.R. SUND

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }
OF GEORGE PEARSON FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM BIG BUTTE CREEK }

ORDER APPROVING
TRANSFER NO. 2831

On June 11, 1973, George Pearson filed an application in the office of the Water Resources Department 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 39597, Volume 31, State Record of Water Right Certificates, confirms a right which includes the use of not to exceed 0.056 cubic foot per second of water from Big Butte Creek for the irrigation of 4.5 acres in NE $\frac{1}{4}$ 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 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 to irrigate these lands from a point of diversion 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 $\frac{1}{4}$, 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 22, 29 and September 5, 1973.

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

No objection 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 requested change in point of diversion from Big Butte Creek, as described herein, without loss of priority, is approved.

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 0.056 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.

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, 1977.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered October 12, 1976, approving transfer application No. 2816, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein,

a certificate of water right shall be issued to George Pearson confirming the change in point of diversion.

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

/s/ JAMES E. SEXSON
Director

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~~ 63.85 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~~ 0.794 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 $\frac{1}{4}$, ~~NE $\frac{1}{4}$ 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 $\frac{1}{4}$ 7-2816 7-2821
11.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
10.55 ~~21.05~~ acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 6.0 4.5
9.0 ~~11.48~~ acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 2.48
Section 3
T. 34 S., R. 1 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 39597, Volume 31, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on 10-12, 1976, approving transfer application Nos 2816 and 2831.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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

Recorded in State Record of Water Right Certificates, Volume 31, page

39597

C-43978

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This is to certify, That GEORGE PEARSON - OBSTINATE J. RANCH

of Trail, State of OR 97541, 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 for the purpose of
irrigation of 4.5 acres

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

0.056 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

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, Section 3, T34S, R1E, WM; 400
feet South and 580 feet East from NW corner NE 1/4 NW 1/4.

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-eighthieth 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:

4.5 acres NE 1/4 NW 1/4
Section 3
Township 34 South, Range 1 East, WM

This certificate is issued to confirm a change in 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 & 55442,
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

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51, page 55443

8153D/TS
T-2831

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

Notice is given hereby that George Pearson has 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 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, 4.5 acres in NE $\frac{1}{4}$ 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 convey water to these lands by means of a pump to be located at a point of diversion 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 $\frac{1}{4}$ of 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 16, 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 George Pearson, Obsolete J Ranch, Trall, Oregon, 97541, 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 15th day of August, 1973.

CHRIS L. WHEELER
State Engineer

Affidavit of Publication

State of Oregon, }
County of Jackson } ss.

I, 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 Application for a Change
in Pt. of Diversion of Water - G. Pearson, 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. 22, 29, Sept. 5, 1973
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Evalynne D. Smith

Subscribed and sworn to before me this 5th day of Sept., 19 73

RECEIVED

SEP 6 1973

STATE ENGINEER
SALEM, OREGON

Alvin M. Lindsay
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of October, 19 73