

2780 Floyd Co. & Little Butte Creek
S/O Gerald W. Manso
8525 Highway 140 Eagle Point

2780

STATUS OF APPLICATION

Change in Place of Use
Date filed Nov. 8, 1972
Date of hearing _____
Place of hearing _____
Date of order April 10, 1973 Vol. 23, page 90
Date for application of water October 1, 1974
Proof mailed _____
Proof received _____
Certificate issued NOV 21 1973 Vol. 31, page 39596

*Survey
again 11/77*

DESCRIPTION OF WATER RIGHT

Name of stream Little Butte Creek
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 30
Name of ditch Tucker ditch
Date of priority May 21, 1910
In name of R.E. Tucker
_____ Adjudication, Vol. _____, page _____
App. No. 693 Per. No. 308 Cert. No. 743
Certificate cancelled _____
Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>3-23-73</u>	<u>\$20.00</u>	<u>From P-6</u>
TOTAL . . .		
<u>4-5-73</u>	<u>3.00</u> Cert. Fee	<u>33190</u>

FEEES REFUNDED

Date	Amount	Check No.

REMARKS

Right Lost Sp. Or V 38, P 390, 8-16-84
T-10306 U. 76 p. 644

W.R.I.S.	
Assembled	<u>04/26/84</u> by <u>LLH</u>
Entered	_____ by _____
Verified	_____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
	<input checked="" type="checkbox"/> Name	<u>st 304</u>	_____
	<input checked="" type="checkbox"/> Stream	<u>st 306</u>	_____
	<input checked="" type="checkbox"/> Pt. of Div.	_____	_____
	<input checked="" type="checkbox"/> Calendar	<u>st 304</u>	_____
	CHECKED TO W. R. I. S.:		
	<input checked="" type="checkbox"/> Twp. & Rge.	<u>st 304</u>	_____
	<input type="checkbox"/> Decree-vault	_____	_____
	<input type="checkbox"/> Decree-sale	_____	_____
	<input checked="" type="checkbox"/> Cert. of W. R. I. S.	<u>st 306</u>	_____
	<input checked="" type="checkbox"/> Per. Folder	<u>st 306</u>	_____
	<input type="checkbox"/> Chainindex	_____	_____
	<input type="checkbox"/> Cross Ref.	_____	_____
	<input type="checkbox"/> Power Claim	_____	_____
	<input type="checkbox"/> Abstracts	<u>st 304</u>	_____

674

STATE OF OREGON

WATER DIVISION NO. 1COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That R. E. TUCKER

of Brownsboro, State of Oregon, has made proof
to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the
waters of Little Butte Creek, a tributary of Rogue River.

, for the purpose of the irrigation of ^{10.5}~~13.5~~ acres of land

under Permit No. 308 of the State Engineer, and that said right to
the use of said waters has been perfected in accordance with the laws of Oregon and
duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1,
at page 168, on the 18th day of November, 1914; that the priority of

the right hereby confirmed dates from May 21, 1910; 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

0.13

exceed 0.17 cubic foot per second, or its equivalent in case of rotation. The use
hereunder shall conform to any reasonable rotation system ordered by the proper state officer.

A description of the lands under such right, and to which the water hereby
confirmed is appurtenant, or, if for other purposes, the place where such water is put
to beneficial use, is as follows:

13.5 acres in the NE¹₄ of SE¹₄, Section Five (5), Township Thirty-six (36),
South Range One (1) East of Willamette Meridian.

10.5 acres NE¹₄SE¹₄
Sec 5
T 36 S R 1 E W M

Certificate of water right issued to R. E. Tucker and recorded at page 743,
Volume 1, State Record of Water Right Certificates, confirms the right to the use of
water for irrigation of 13.5 acres. A change in the place of use of water for the
irrigation of 3.0 acres was approved by order of the State Engineer entered April 10,
1973. This certificate is issued to confirm the remaining right to the use of water for
irrigation and supersedes the certificate heretofore issued to R. E. Tucker.

WATER BOARD affixed this 16th day
of December, 1974.

(SEAL OF STATE WATER BOARD)

STATE WATER BOARD

By JOHN H. LEWIS
State Engineer, President

Attest: M. F. MERS
Secretary

Recorded in State Record of Water Right Certificates, Volume 1, Page 743

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF TRANSFER)
APPLICATION 2780 IN THE NAME)
OF FLOYD G. BUBB AND LILA F. BUBB)

LOSS OF RIGHT

Transfer Application 2780, in the name of Floyd G. Bubb and Lila F. Bubb, proposed a change in place of use of water from Little Butte Creek under a certain right with a priority date of May 21, 1910, to irrigate a certain 3.0 acres in SE 1/4 NW 1/4, Section 4, Township 36 South, Range 1 East, WM.

The order of the State Engineer, predecessor of the Water Resources Director, entered April 10, 1973, approving Transfer Application 2780, provided: "...that said water so transferred shall be applied to beneficial use on or before October 1, 1975."

The applicant has failed to make proof to the satisfaction of the Water Resources Director that the proposed change was accomplished within the provisions of the order, therefore, the subject water right was lost.

Dated at Salem, Oregon this 16th day of August, 1984.

William H. Young

WILLIAM H. YOUNG
Director

4048C

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF FLOYD G. BUBB AND LILA F. BUBB)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM)
LITTLE BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 2780

On November 8, 1972, Floyd G. Bubb and Lila F. Bubb filed an application in the office of the State Engineer for the approval of a change in place of use of water from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to R. E. Tucker and recorded at page 743, Volume 1, State Record of Water Right Certificates, confirms a right to the use of 0.17 cubic foot per second of water from Little Butte Creek for the irrigation of, among other lands, 3.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 36 South, Range 1 East, W.M., with a date of priority of May 21, 1910.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 3.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 36 South, Range 1 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 heretofore described as

appurtenant to 3.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 36 South, Range 1 East, W.M., with a date of priority of May 21, 1910, be severed therefrom and simultaneously and without loss of priority, transferred to 3.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 36 South, Range 1 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that certificate of water right heretofore issued to R. E. Tucker and recorded at page 743, Volume 1, 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 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 Floyd G. Bubb and Lila F. Bubb confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 10th day of April, 1973.

CHRIS L. WHEELER
State Engineer