

2635 Lawrie, Dawn Ruthers
 5894 Cobble h Rd.
 Eagle Point, Ore. 97524

2635

STATUS OF APPLICATION

Change in Place of Use
 Date filed MAY 5, 1972
 Date of hearing _____
 Place of hearing _____
 Date of order June 19, 1972 Vol. 22, page 70
 Date for application of water Oct 1, 1973
 Proof mailed AUG 17 1992
 Proof received _____
 Certificate issued OCT 26 1992 Vol. 30, page 35667
67931

DESCRIPTION OF WATER RIGHT

Name of stream Clark Creek
 Trib. of Butte Creek County of Jackson
 Use Irrigation
 Quantity of water _____ No. of acres 2!
 Name of ditch Wakefield ditch
 Date of priority 1899
 In name of Henry Earl Francis
Rogue River Suppl. Adjudication, Vol. 13, page 376
 App. No. _____ Per. No. _____ Cert. No. 32755
 Certificate cancelled _____
 Notation made on record by OK Cert 10-26-72

FEES PAID

Date	Amount	Receipt No.
5-5-72	26.00	28279
TOTAL . . .		
5-24-72	\$3.00 Cert. Fee	28496

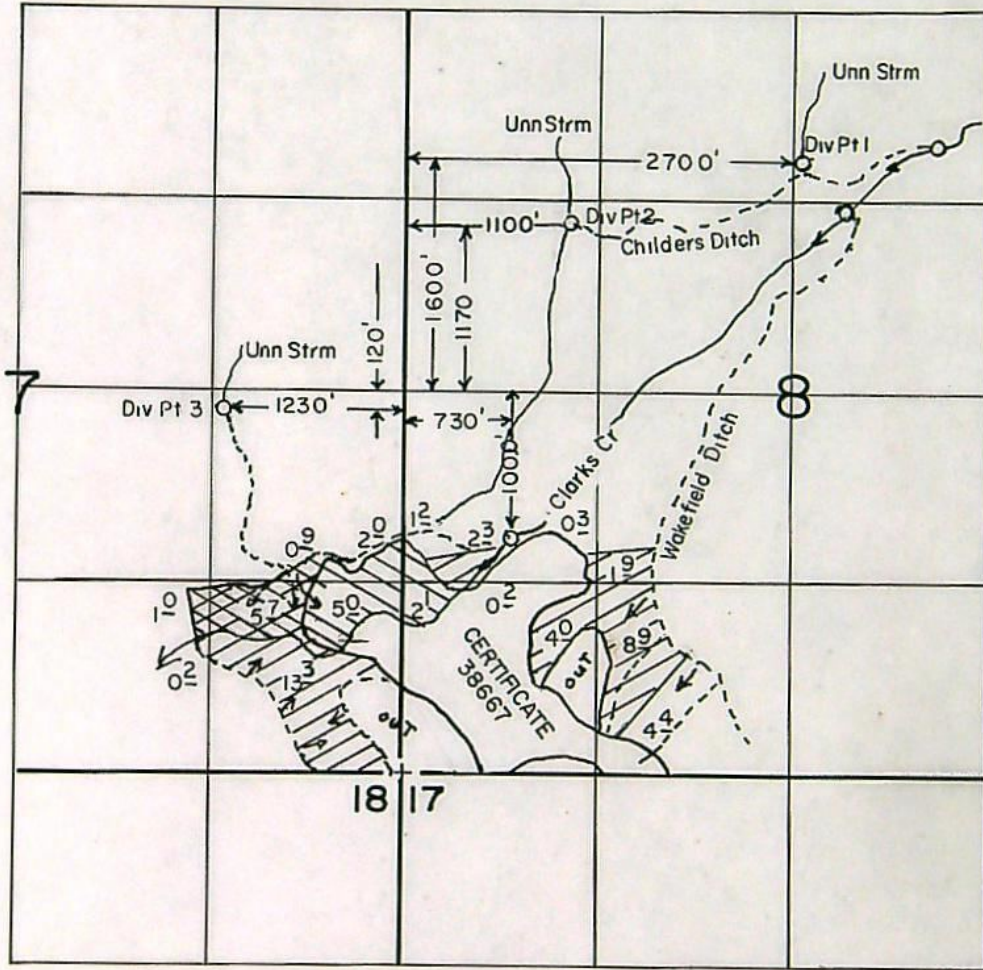
FEES REFUNDED

Date	Amount	Check No.

REMARKS

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

T.34S.,R.2E.,W.M.



SCALE: 1" = 1320'

FINAL PROOF SURVEY

UNDER

TRANSFER NO. 3291

3293

2635

Application No. Permit No.

IN NAME OF

LAWRIE D. & PHYLLIS RUTHERFORD

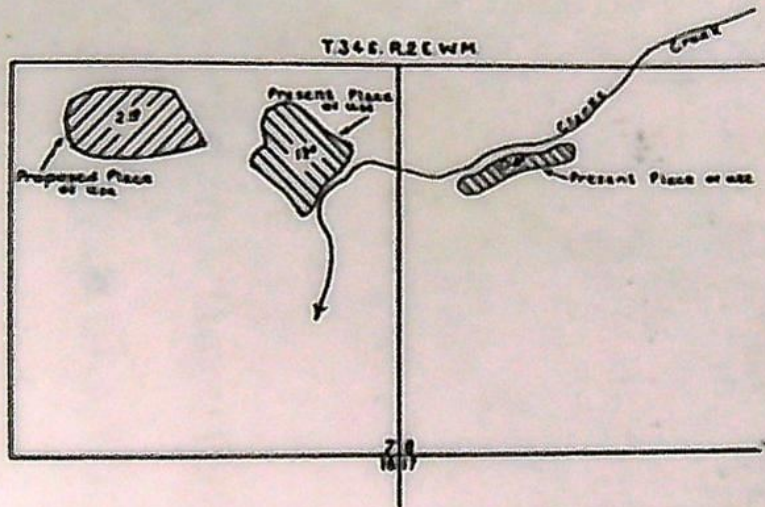
Surveyed JUNE 28, 1989, by B. S. JAMES



Transfer No 3291 Primary
2635

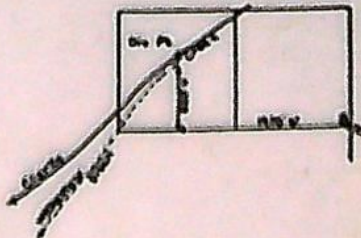
Transfer No 3293
Supplemental

RECEIVED
MAY 5 1972
STATE ENGINEER
SA. IN OREGON



Map for Lennie Rutherford for a
change in place of use.

SESE Sect 7
SWSW Sect 8



STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAWRIE DUNN RUTHERFORD
5844 COBLEIGH ROAD
EAGLE POINT, OREGON 97524

confirms the right to use the waters of CLARK'S CREEK, a tributary of BIG BUTTE CREEK, for IRRIGATING 2.1 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 13, at Page 376. The date of priority is 1899.

The use is limited to 0.04 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NE 1/4, SECTION 8, T 34 S, R 2 E, W.M.; 820 FEET NORTH AND 1970 FEET WEST OF THE EAST 1/4 CORNER OF SECTION 8.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent).

A description of the place of use to which this right is appurtenant is as follows:

SE 1/4 SE 1/4 2.1 ACRES
SECTION 7
TOWNSHIP 34 SOUTH, RANGE 2 EAST, W.M.

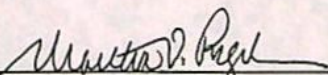
(NOTE: THIS ALLOWANCE IS SUBJECT TO THE QUANTIFICATIONS AND STIPULATIONS SET OUT IN THE ROGUE RIVER DECREE, PARAGRAPH 28, PAGE 61, COLUMN 3.)

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered JUNE 19, 1972, and together with Certificate 38667 supersedes Certificate 32755, 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 above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed OCTOBER 26, 1992.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 67931.

T-2635.BSJ

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF LAWRIE DUNN RUTHERFORD FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM CLARK CREEK)

ORDER APPROVING
TRANSFER NO. 2635

On May 5, 1972, Lawrie Dunn Rutherford filed an application in the office of the State Engineer for the approval of a change in place of use of water from Clark Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the Rogue River, a water right was established in the name of Henry Earl Francis for the use of waters of the Clark Creek for the irrigation of, among other lands, 1.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, and 0.5 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Township 34 South, Range 2 East, W.M., with a date of priority of 1899, being tabulated in the name of Henry Earl Francis as evidenced by certificate of water right recorded at page 32755, Volume 24, State Record of Water Right Certificates.

The applicant herein, owner of the land above described proposes to transfer the water right therefrom, without loss of priority, to 2.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 34 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.

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.

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.

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 1.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, and 0.5 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Township 34 South, Range 2 East, W.M., with a date of priority of 1899, be severed therefrom and simultaneously and without loss of priority transferred to 2.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 34 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.

It is FURTHER ORDERED that certificate of water right heretofore issued to Henry Earl Francis and recorded at page 32755, Volume 24, 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 Lawrie Dunn Rutherford confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 19th day of June, 1972.

/s/ CHRIS L. WHEELER
State Engineer

