

3010 Rock Creek
134 W. Dutton Road
Eagle Point, Or. 97524

3010

STATUS OF APPLICATION

Change in point of diversion
Date filed 4-3-74
Date of hearing Nov. 29, 1978
Place of hearing Medford
Date of order 11-29-78 Vol. 31, page 459
Date for application of water 10-1-80
Proof mailed _____
Proof received _____
Certificate issued 67156 Vol. _____, page FEB 26 1992

DESCRIPTION OF WATER RIGHT

Name of stream Little Butte Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 49.5
Name of ditch _____
Date of priority June 28, 1920 and Sept. 7, 1954
In name of M.L. Pruitt and Frank B. Hopewell
_____ Adjudication, Vol. _____, page _____
App. No. 7376 29454 Per. No. 4671 28274 Cert. No. 6661 26433 67156
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-3-74</u>	<u>30.00</u>	<u>39357</u>
<u>9-29-78</u>	<u>50⁰⁰</u>	<u>6434</u>
TOTAL . . .		
	<u>0 Cert. Fee</u>	
<u>Medford Mail Tribune 29.52 p.d. 10/31/78 ck # 2760</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>10-31-78</u>	<u>15⁴⁸</u>	<u>2759</u>
<u>EX 20-</u> <u>POD 15-</u> <u>POD 29⁵²</u> <u>64⁵²</u>		

REMARKS

CARD FOR C NOV 4 1980

W.R.I.S.

Assembled 6/20/85 by SLH

Entered _____ by _____

Verified _____ by _____

INDEX CARDS: lg lg

TO BE ENTERED WHERE CHECKED

<input checked="" type="checkbox"/>	Name	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Stream	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Pt. of Div.	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Calendar	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Exp. & Reg.	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Decree-vault	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Decree-safe	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Cert. of W.R.	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Per. Folder	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Chaindex	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Cross Ref.	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Power Claim	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Abstracts	<u>lg</u>	<u>lg</u>

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF JACK CALDWELL FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM LITTLE BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 3010

On April 3, 1974, an application was filed in the office of the Water Resources Director by Jack Caldwell for approval of a change in point of diversion from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 26933, Volume 19, State Record of Water Right Certificates, in the name of Frank B. Hopewell, describes a right for the use of not to exceed 0.27 cubic foot per second from Little Butte Creek for irrigation of 10.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 36 South, Range 1 West, W.M., with a date of priority of September 7, 1954.

The authorized point of diversion of record is located 1190 feet South and 380 feet West from the North Quarter Corner of Section 8, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 36 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 490 feet South and 500 feet East from the North Quarter Corner of Section 8, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 36 South, Range 1 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), 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 October 9, 16 and 23, 1978.

Mr. David C. Hendrix, Watermaster, has filed a statement 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

0312439

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 under the subject right.

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:

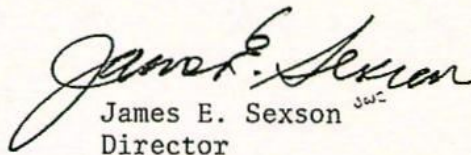
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 26933, Volume 19, State Record of Water Right Certificates, is canceled; 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 the applicant herein.

Dated at Salem, Oregon this 29th day of November, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRANK B. HOPEWELL

of Route 1, Box 305, Eagle Point, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Little Butte Creek a tributary of Rogue River for the purpose of irrigation of 21.6 acres,

under Permit No. 23271 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 September 7, 1954,

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 0.27 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 $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Stow DLC #51, Section 8, Township 36 South, Range 1 West, 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 one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to the terms and conditions of stipulation recorded on pages 901 and 902, Volume 3, Miscellaneous Records of the State Engineer and by reference made a part hereof,

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:

10.9 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 5.7 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Both as projected within Stow DLC #51
 5.0 acres Lot 5 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
 Section 8
 Township 36 South, Range 1 West, W.M.

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, MAY 6 1960

LEWIS A. STANLEY

State Engineer

NOTICE OF WATER RIGHT TRANSFER

APPLICATION NO. 3010

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Jack Caldwell for approval of a change in point of diversion from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 26933, Volume 19, State Record of Water Right Certificates, in the name of Frank B. Hopewell, describes a right for the use of not to exceed 0.27 cubic foot per second from Little Butte Creek for irrigation of 10.9 ac in SW 1/4 NE 1/4 & 10.7 ac in NW 1/4 SE 1/4 of Sec 8, T 36S, R 1W, WM, with a date of priority of Sept. 7, 1954.

The authorized point of diversion of record is located 1190 ft S & 380 ft W from the N 1/4 Corner of Sec 8, being within the NE 1/4 NW 1/4 of Sec 8, T 36S, R 1W, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 490 ft S & 500 ft E from the N 1/4 Corner of Sec 8, being within the NW 1/4 NE 1/4 of Sec 8, T 36S, R 1W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on November 29, 1978, 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 Jack Caldwell, 734 W. Dutton Rd, Eagle Point, OR 97524; and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 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 WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon this 3rd day of October, 1978.

James E. Sexson
Director

RECEIVED

OCT 25 1978

State of Oregon,
WATER RESOURCES DEPT } ss.
County of Jackson
SALEM, OREGON

Affidavit of Publication

1. Joann Alldredge, 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 Water Right Transfer Appl. 3010

Frank B. Hopewell

_____ 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 October 9, 16, 23, 1978 *ok*

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

Joann Alldredge

Subscribed and sworn to before me this 23rd day of October, 1978

James J. Osborn
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981

*ok
dis*