

Suttons I. Horn
146
White City 97501

3049

STATUS OF APPLICATION

Change in point of diversion
Date filed 5-20-74
Date of hearing _____
Place of hearing _____
Date of order 12-5-75 Vol. 26, page 214
Date for application of water 10-1-76
Proof mailed _____
Proof received _____
Certificate issued AUG 30 1976 Vol. 35, page 43579
JAN 29 1979 40 47283

DESCRIPTION OF WATER RIGHT

Name of stream Little Butte Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 24.5
Name of ditch _____
Date of priority January 31, 1849
In name of J.R. & Luella D. Kline
_____ Adjudication, Vol. _____, page _____
App. No. 18561 Per. No. 14183 Cert. No. 15251
Certificate cancelled _____
Notation made on record by _____

DVA Notification

FEES PAID

Date	Amount	Receipt No.
<u>5-20-74</u>	<u>30.00</u>	<u>40181</u>
TOTAL . . .	<u>4.00</u>	<u>50982</u>
<u>1-7-76</u>	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

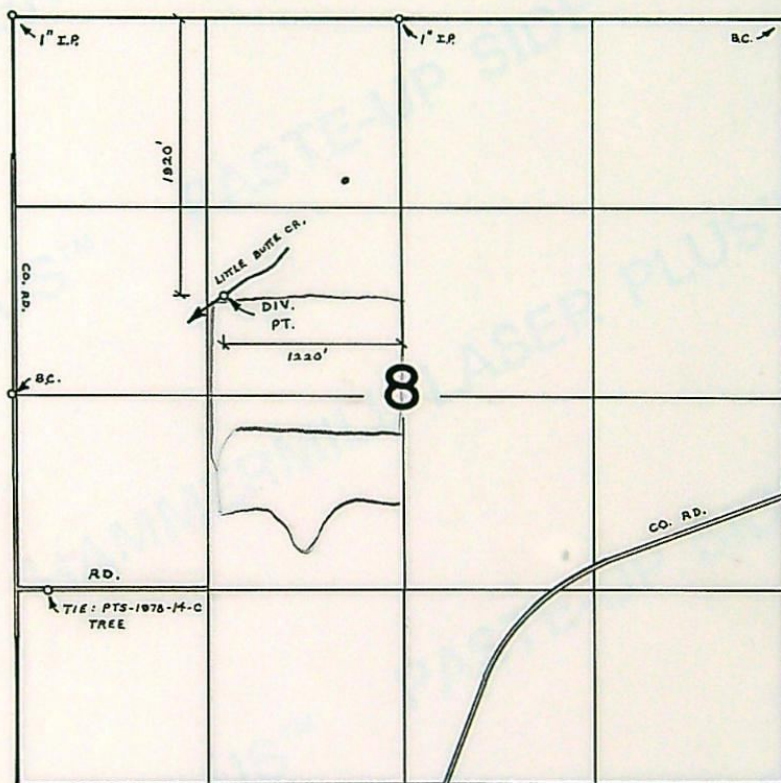
REMARKS

See 18561
New owner - see correspondence

TO BE ENTERED WHEN CHECKED	INDEX CARDS		Entered	Checked
<input checked="" type="checkbox"/>	Name	<u> </u>	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Stream	<u> </u>	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Pl. of Div.	<u> </u>	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Calendar	<u> </u>	<u> </u>	<u> </u>
CHECKED TO RECORDS:				
<input checked="" type="checkbox"/>	Top & Rgo.	<u> </u>	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Decree-vault	<u> </u>	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Decree-safe	<u> </u>	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u> </u>	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Per. Folder	<u> </u>	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Chaindex	<u> </u>	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Cross Ref.	<u> </u>	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Power Claim	<u> </u>	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Abstracts	<u> </u>	<u> </u>	<u> </u>

570

T. 36 S., R. 1 W., W.M.



FINAL PROOF SURVEY
UNDER

Application No. TR-3049 Permit No.
IN NAME OF

TIMOTHEUS J. HORN

Surveyed AUG. 22 1978, by B. SUND

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF TIMOTHENS J. HORN FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM LITTLE
BUTTE CREEK

ORDER APPROVING
TRANSFER NO. 3049

On May 20, 1974, Timothens J. Horn filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to I. R. and Luella D. Kline and recorded at Page 15251, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.65 cubic foot per second of water from Little Butte Creek for the irrigation of, among other lands, 24.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Township 36 South, Range 1 West, W.M., with a date of priority of January 31, 1940. These lands are irrigated from a point of diversion located 1190 feet South and 380 feet West from the North quarter-corner of Section 8, Being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 36 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 600 feet North and 1430 feet East from the West quarter-corner of Section 8, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 36 South, Range 1 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Little Butte Creek, to wit:

From a point 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.

To a point to be located 600 feet North and 1430 feet East from the West quarter-corner of Section 8, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 36 South, Range 1 West, W.M.

for the irrigation of 24.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Township 36 South, Range 1 West, W.M., with a date of priority of January 31, 1940, is approved.

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, 1976.

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 0.30 cubic feet 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 head-gates 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.

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WINTER 1975

It is FURTHER ORDERED that the certificate of water right heretofore issued to I. R. and Luella D. Kline and recorded at Page 15251, Volume 13, 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 Water Resources Director of completion of the authorized change in point of diversion a certificate of water right shall be issued to Timothens J. Horn confirming the change in point of diversion.

Dated at Salem, Oregon, this 5th day of December, 1975.

/s/ JAMES E. SEXSON
Director

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WINTER 1975

PRODUCTION, OREGON 1975

FLASH
BOARD

Superseded by

Cert. No.

Sp.

STATE OF OREGON
COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That TIMOTHEUS J. HORNBox 216 WHITE CITYof Box 215, Eagle Point, 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 Little Butte Creeka tributary of Rogue River for the purpose of Irrigation of 24.5 acresunder Permit No. 14183 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 January 31, 1940

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

0.65 cubic foot per second,
0.30

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the SE 1/4 NW 1/4, Section 8, Township 36 South, Range 1 West, W.M.1920 ft S and 1220 ft W from the N 1/4 Cor Sec 8The 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 1/2 acre feet per acre for each acre irrigated during the irrigation season from April 2, to October 31, of each year,

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:

20 acres in the SE 1/4 NW 1/4
24 1/2 22 acres in the NE 1/4 SW 1/4
Section 8
T. 36 S., R. 1 W., W. M.

Land on which water is to be used is a part of the property more explicitly described as follows:

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered Dec. 5, 1975 and together with certificate of water right recorded on Page 43579, Volume 35, SRWRC supersedes certificate of water right recorded on Page 15251, Volume 13, SRWRC.

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 15th day of March, 1948.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 15251