

3 Ralph Daniel
P.O. Box 621
Seale Point Ore 97521

2543

STATUS OF APPLICATION

Change in Point of Diversion
Date filed July 19, 1971
Date of hearing January 4, 1972
Place of hearing Medford, Oregon
Date of order Sept 18, 1972 Vol. 22, page 213
Date for application of water 10-1-72
Proof mailed _____
Proof received _____
Certificate issued MAY 1 1978 Vol. _____, page 45504
FEB 9 1979 40 47405
to survey 12/77

DESCRIPTION OF WATER RIGHT

Name of stream Little Butte Creek
Trib. of — County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 0.357
Name of ditch Fryer
Date of priority January 31, 1870
In name of Gladys F. Pearce
Little Butte Adjudication, Vol. 14, page 515
App. No. _____ Per. No. _____ Cert. No. 29168
Certificate cancelled _____
Notation made on record by slw

FEES PAID

Date	Amount	Receipt No.
7-19-71	25.00	24801
7-19-71	40.00 ^{PN}	24802
TOTAL . . .		
11-29-71	\$2 \$1 Cert. Fee	From Pub. of Hist.

FEES REFUNDED

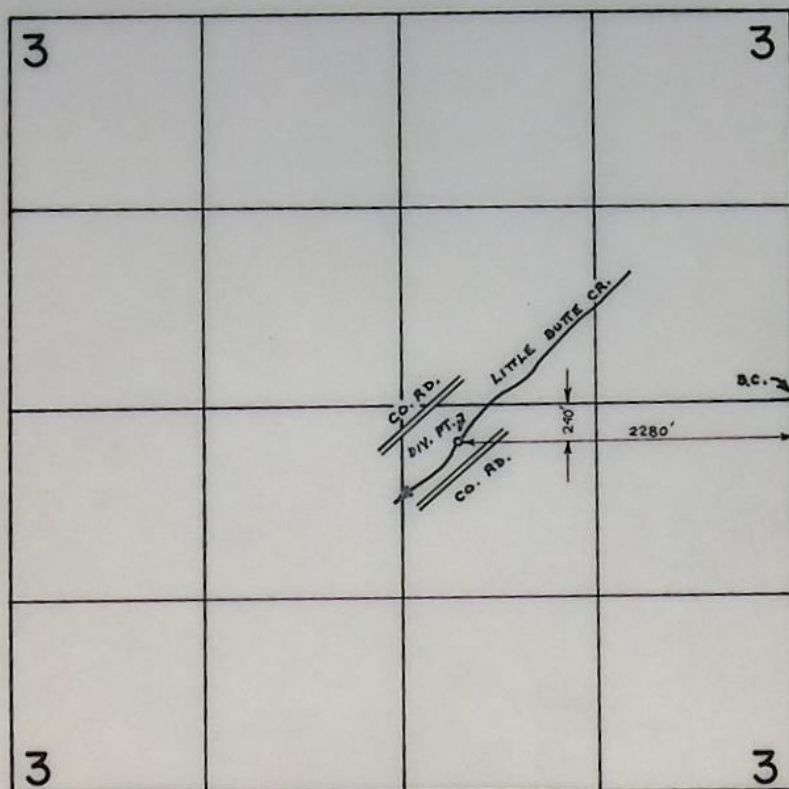
Date	Amount	Check No.
11-29-71	\$12.33 ^{from PN}	4480

REMARKS

K-44 D-116 D-119 M-166 T-2725

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
—	Name		✓	lg
—	Stream			lg
✓	Pt. of Div.		✓	
—	Calendar			
CHECKED TO RECORDS:				
✓	Twp. & Rge.		WAC	
✓	Decree-vest		st	WAC
✓	Decree-suff		st	WAC
✓	Cert. of W/R		st	WAC
—	Per. Folder			
—	Chaindex			
—	Cross Ref.			
—	Power Claim			
—	Abstracts			

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

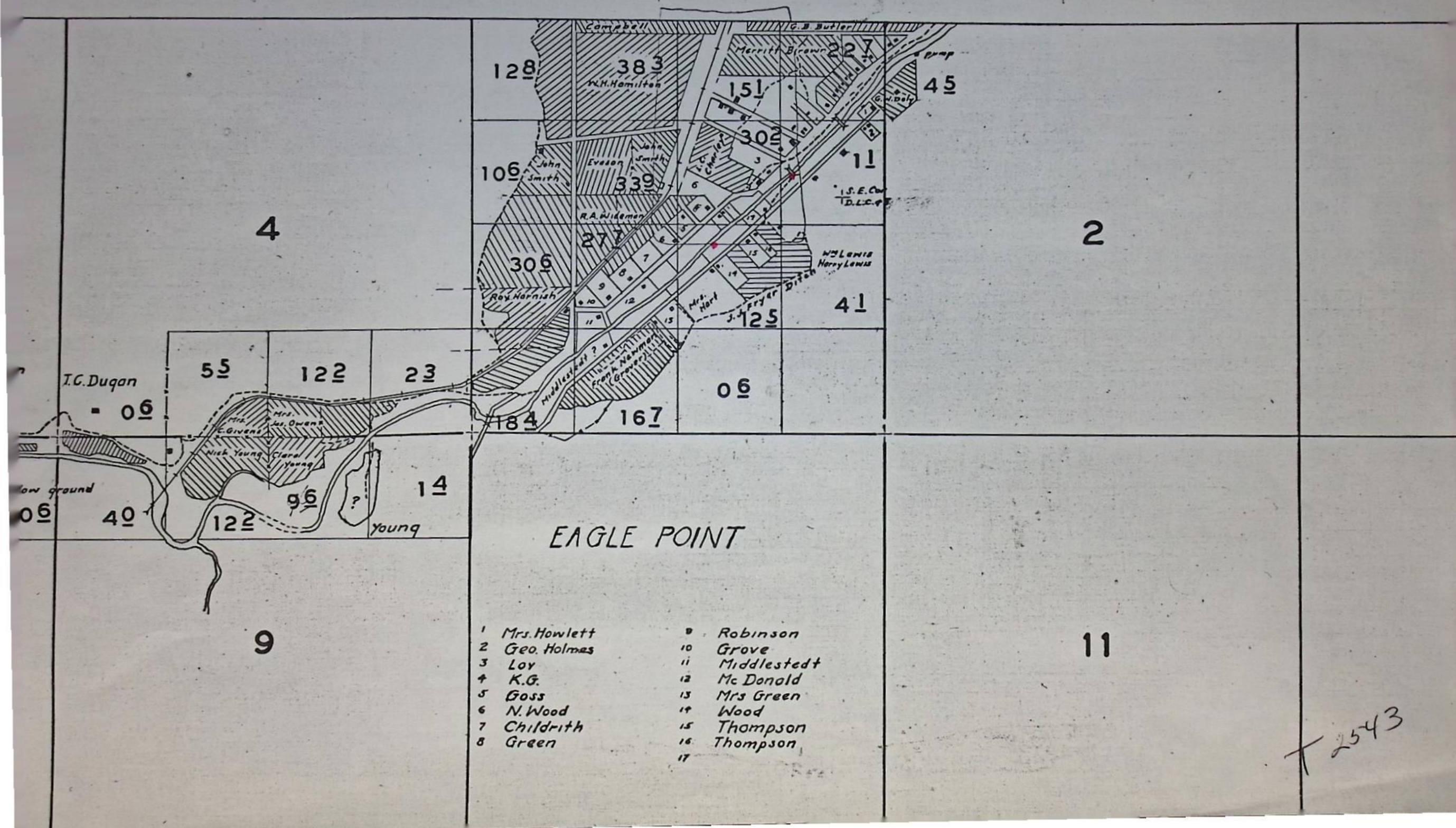


FINAL PROOF SURVEY
UNDER

Application No. T-2543 Permit No. _____
IN NAME OF

RALPH DANIEL

Surveyed AUG. 24 1978, by B. SUND



518

826-2227

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR

CHANGE IN POINT OF DIVERSION FROM LITTLE BUTTE CREEK

Transfer No. 2543

County JACKSON

1. Name Ralph Daniel Address PO Bx 621, Eagle Point, 97524

2. Source of Supply Little Butte Creek, Trib. of Rogue River

3. Amount of Water	Priority Date	Jan 31, 1870
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4. Use irrigation

5. Proposed Point of Diversion $\frac{240}{250}$ ft S & $\frac{2280}{2250}$ ft W from the E $\frac{1}{4}$ Corner of Sec 3,
within NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 3, T 36 S, R 1 W, W.M.

6. Place of Use date for change 10-1-72

[illegible]

Info: New owner, as filed.

MOTOR: ROBINS & MEYERS

1 1/2 HP @ 3450 RPM

PUMP: 1 1/2" x 2"

PIPE: MAIN: 1 1/2" - PLASTIC - 60'

LAT: 3/4" - PLASTIC - 100'

SPRINKLERS: 4 MAX, 7/32" RB 20's

LIFT: 3' SUCTION

8' PUMP

USE: LAWN & GARDEN

TIE: BAX - 3AA-6

Dwight R. Simard

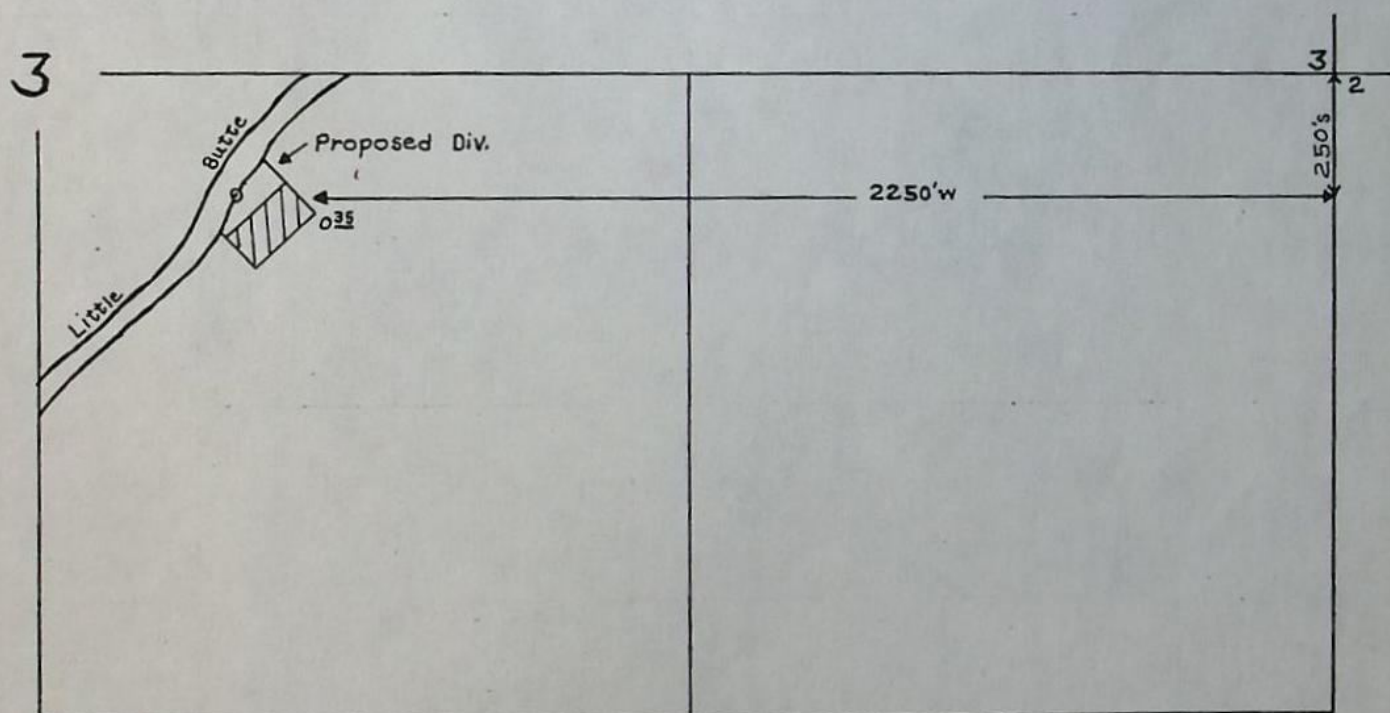
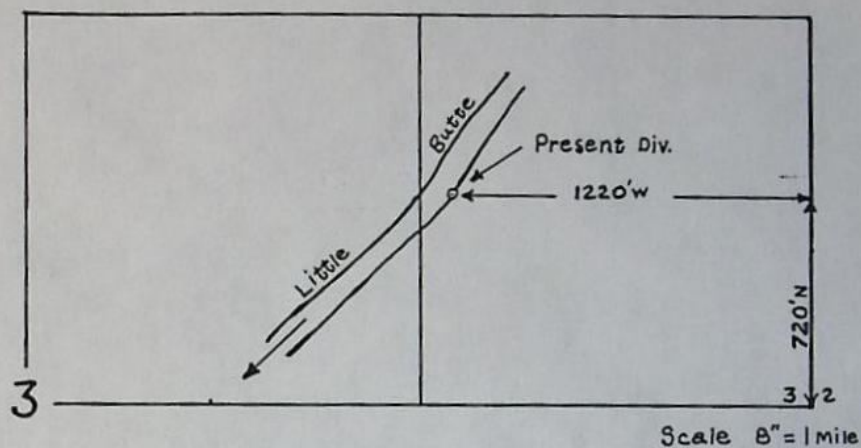
F.E.

8-24-78

$$\frac{1.5(6.61)}{114 + 11} = 0.08 \text{ c.f.s.}$$

$$\frac{4(9.4)}{450} = 0.08 \text{ c.f.s.}$$

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



Map to accompany application in the name of
Ralph Daniel for change in point of diversion

RECEIVED
JUL 19 1971
STATE ENGINEER
SALEM, OREGON

RECEIVED
JAN 4 1973
STATE ENGINEER
SALEM OREGON

Transfer No. 2543

NOTICE OF COMPLETION OF CONSTRUCTION

I, Ralph Daniel, hereby certify
that the construction work has been completed and the change in
point of diversion of water made as set forth in the order of
the State Engineer dated September 18, 1972, approving an appli-
cation for a change in point of diversion of water from _____
Little Butte Creek.

January 2, 1973
Date

Ralph A. Daniel
P. O. Box Name 621, Eagle Point,
Oregon

(before October 1, 1972)

Note: All was done within time limits. I just mislaid
these papers and forgot them, so am sending in the signed
form today - 1-2-73.

97524

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

Notice is given hereby that Ralph Daniel has filed an application for the approval of a change in point of diversion of water from Little Butte Creek.

In the Little Butte Creek Adjudication proceedings, a water right was established in the name of Fryer Ditch Association for the use of the waters of Little Butte Creek for the irrigation of, among other lands, 0.35 acre in NW¹/₄, SE¹/₄, Tract 3, Sec. 3, T. 36 S., R. 1 W., W.M., with a date of priority of January 31, 1870. These lands are irrigated by means of the Fryer Ditch from a point of diversion located 720 ft. N and 1220 ft. W from the E¹/₄ corner of Sec. 3 being within the SE¹/₄, NE¹/₄ of Sec. 3, T. 36 S., R. 1 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 250 ft. S and 2250 ft. W from the E¹/₄ corner of Sec. 3 being within the NW¹/₄, SE¹/₄ of Sec. 3, T. 36 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on January 4, 1972, 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 Ralph Daniel, P.O. Box 621, Eagle Point, Oregon, 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 1st day of November, 1971.

CHRIS L. WHEELER
State Engineer

Affidavit of Publication

RECEIVED
NOV 26 1971
STATE ENGINEER
SALEM OREGON

State of Oregon, }
County of Jackson } ss.

1. Sarah Hayes, being first duly

sworn, depose and say that I am the Principal Clerk
(OWNER, EDITOR, PUBLISHER, MANAGER.)

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 Filing Application for Change in

point of diversion of water (Ralph Daniel), 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 Nov 8, 15, 22, 1971
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sarah Hayes

Subscribed and sworn to before me this 22nd day of Nov., 19 71

Atta M. Lindsey
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of Oct., 19 73

JACKSON COUNTY TITLE CO.

502 EAST MAIN STREET • POST OFFICE BOX 21811

PHONE (503) 779-2811
MEDFORD, OREGON 97501

P. O. Box 218

June 18, 1971

JACKSON COUNTY REPRESENTATIVE
TITLE AND TRUST DIVISION
OF PIONEER NATIONAL
TITLE INSURANCE CO.
PORTLAND, OREGON

Mr. Nolan Clark
708 West 10th Street
Medford, Oregon

Our Number: 101190

Dear Sir:

Please advise the undersigned as to
against the property described in the attached report, vested
of record in: Nolan We are prepared to issue title insurance policy
In the usual form, as of June 16, 1971, at 8:00 A. M., insuring the title to

Beginning at a point on the southeasterly line of Block Twenty-five (25)
of the J. J. FRYER'S DIVISION to the Town of Eagle Point, Oregon,
which point is 165.0 feet Southwesterly from the most easterly corner
of Lot 2 in said Block; thence Southwesterly, along said southeasterly
line of said Block, a distance of 105.0 feet, more or less, to the most
easterly corner of tract described in Volume 412 page 438 of the Deed
Records of Jackson County, Oregon; thence North 42°00' West, parallel
to the westerly line of Lot 3 in said Block 25, to the centerline of Little
Butte Creek; thence Northeasterly, along said centerline to the most
westerly corner of tract described in Volume 314 Deeds page 218; thence South 43°00' East, along the southwesterly line of said tract,
to the point of beginning. EXCEPTING THEREFROM the Southwesterly
10.0 feet as conveyed to William M. Swind, et ux, by deed recorded
June 2, 1966 as No. 66-06358 of the Official Records of said County.

None.

(Code 9-1, Account #361W3BD, Tax Lot #5900)

Kind: Sewer Assessment \$41.376.25 plus interest 12.00 to 7/27/71

in Amount: \$ 76.25 NOLAN CLARK, Interest to date of 7/27/71

subject to the usual printed exceptions, conditions, stipulations, and

1. The effect of being within the boundary of the Fryer District Improvement Company, organized under and pursuant to General Laws of Oregon for 1911, Chapter 172, and all acts amendatory thereof and supplemental thereto; notice of which was recorded March 1, 1935, in Volume 4 page 539 of the Articles of Incorporation Records of Jackson County, Oregon, and recorded in Volume 201 page 641 of the Deed Records of said County.

RECEIVED
JUL 19 1971
STATE ENGINEER
SALEM OREGON

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

Notice is given hereby that Ralph Daniel has filed an application for the approval of a change in point of diversion of water from Little Butte Creek.

In the Little Butte Creek Adjudication proceedings, a water right was established in the name of Fryer Ditch Association for the use of the waters of Little Butte Creek for the irrigation of, among other lands, 0.35 acre in NW¼ SE¼, Tract 3, Sec. 3, T. 36 S., R. 1 W., W.M., with a date of priority of January 31, 1870. These lands are irrigated by means of the Fryer Ditch from a point of diversion located 720 ft. N and 1220 ft. W from the E¼ corner of Sec. 3 being within the SE¼ NE¼ of Sec. 3, T. 36 S., R. 1 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 250 ft. S and 2250 ft. W from the E¼ corner of Sec. 3 being within the NW¼ SE¼ of Sec. 3, T. 36 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on January 4, 1972, 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 Ralph Daniel, P.O. Box 621, Eagle Point, Oregon, 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 1st day of November, 1971.

CHRIS L. WHEELER
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

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

ORDER APPROVING
TRANSFER NO. 2543

On July 19, 1971, Ralph Daniel filed an application in the office of the State Engineer for a change in point of diversion of water from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered August 15, 1949, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Little Butte Creek and Its Tributaries, a water right was established in the name of Fryer Ditch Association for the use of the waters of Little Butte Creek for the irrigation of, among other lands, 0.35 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Tract 3, Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of January 31, 1870 tabulated in the name of Gladius F. Pearce. These lands are irrigated from a point of diversion located 720 feet North and 1220 feet West from the East $\frac{1}{4}$ corner of Section 3, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, 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 located 250 feet South and 2250 feet West from the East $\frac{1}{4}$ corner of Section 3, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Jackson County, Oregon, on

January 4, 1972, at 9:30 a.m. The notice 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 November 8, 15 and 22, 1971. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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

From a point located 720 feet North and 1220 feet West from the East $\frac{1}{4}$ corner of Section 3, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M.

To a point to be located 250 feet South and 2250 feet West from the East $\frac{1}{4}$ corner of Section 3, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M.

for the irrigation of 0.35 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Tract 3, Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of January 31, 1870, 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, 1972.

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 0.009 cubic feet of water 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.

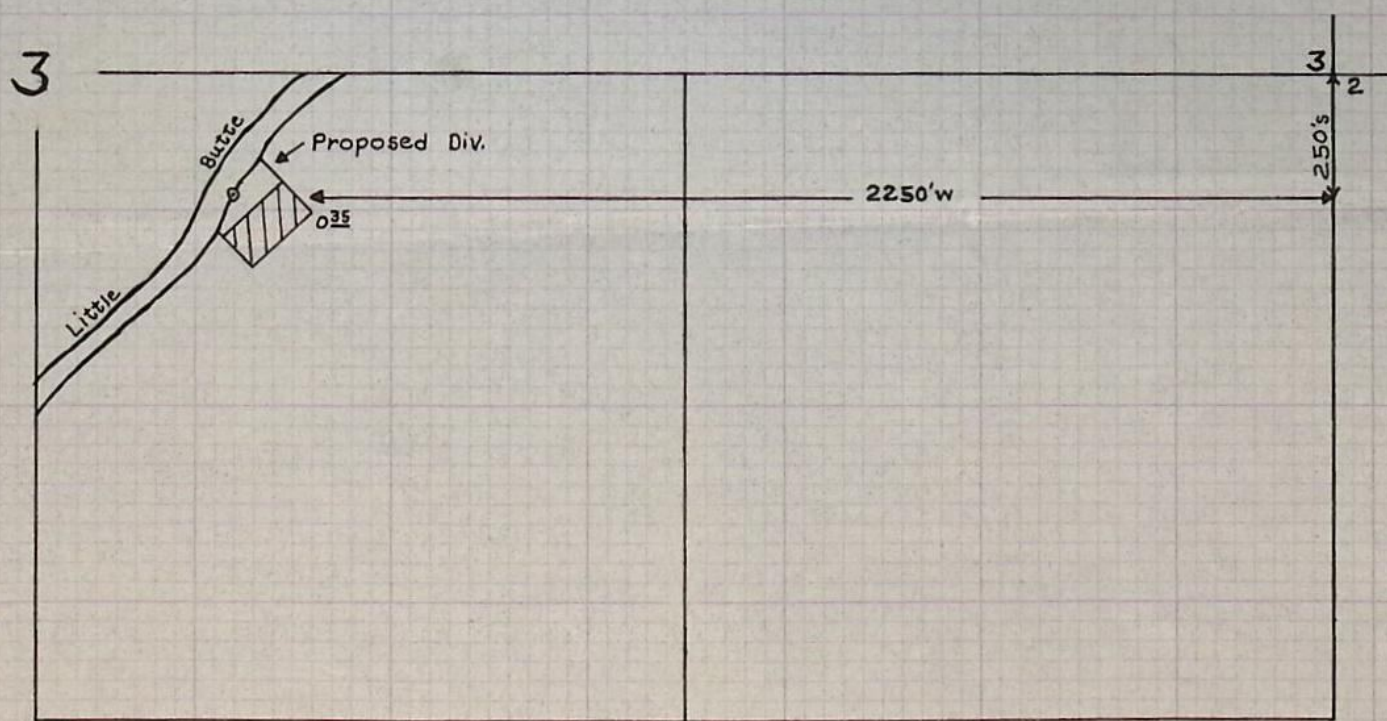
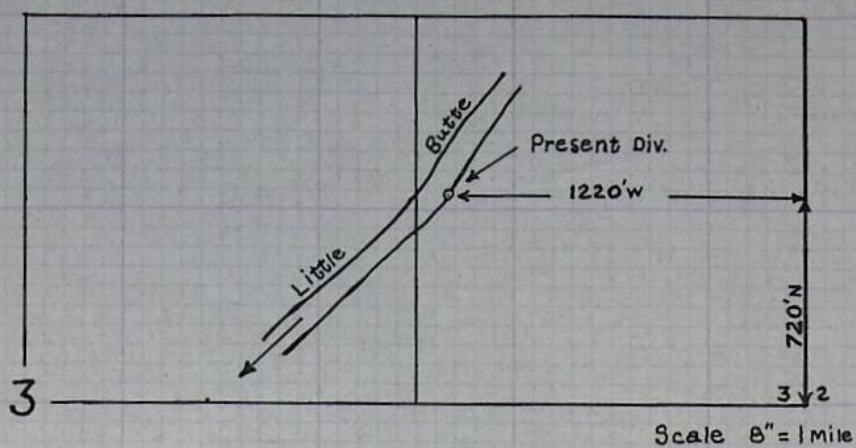
The certificate of water right heretofore issued to Fryer Ditch Association and recorded at page 29579, Volume 21, State Record of Water Right Certificates has been canceled in prior orders of the State Engineer.

It is FURTHER ORDERED that a new certificate be issued covering the balance of the lands not involved in this proceeding and excluding lands involved in changes approved by orders of the State Engineer entered February 23, 1966, May 6, 1966, and October 6, 1966, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate shall be issued to Ralph Daniel confirming the change in point of diversion.

Dated at Salem, Oregon, this 18th day of September, 1972.

/s/ CHRIS L. WHEELER
State Engineer

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



Map to accompany application in the name of
Ralph Daniel for change in point of diversion

RECEIVED
JUL 19 1971
STATE ENGINEER
SALEM, OREGON

77. 21
F-44
1067
RECEIVED
JUL 19 1971
STATE ENGINEER
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Ralph Daniel

(Name of applicant)

of P. O. Box 621, Eagle Point,

(Postoffice)

County of Jackson

State of Oregon 97524

, do hereby make application for change in point of diversion.

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Little Butte Creek.

(Name of stream)

2. The use to which the water is applied is irrigation.

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Fryer Ditch.

4. The point of diversion is located 720 ft. N. and 1220 ft. W. from the E $\frac{1}{4}$

(N. or S.)

(E. or W.)

corner of Section 3

(Section or subdivision)

being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 3 Tp. 36 S. R. 1 W. W. M., in the County of Jackson.

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
36 S	1 W	3															0.357	

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

1.4500 Tract 3 (Gladys Pearce)

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes.

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes.

8. What is the date of priority of your water right? January 31, 1870.

9. Was your water right acquired by State Engineer's Permit? No. If so, give number

(Yes or No)

of permit

Vol. 21
29579

(Transfer No. F-40)

10. Do you hold a water right certificate? Yes. If so, give number of certificate 29168 29579
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

Yes. If so, give title of proceedings Little Butte Decree. Vol. 14 p. 515
(Yes or No) Fryer Ditch Association

12. Is the water right recorded in your name? John Gladus F. Pearce (Tract 3).
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 250 ft. S. and 2250 ft. W. from the E $\frac{1}{4}$
(N. or S.) (E. or W.)
corner of Sec. 3 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3 Tp. 36 S. R. 1 W. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Jackson The name of the ditch to be used is pump.

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes.

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? Yes.

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are so I may pump from my own property.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

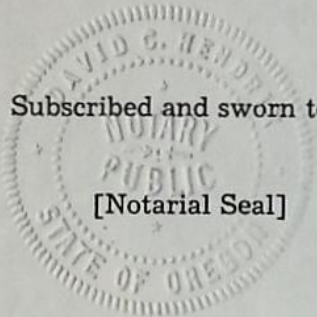
County of Jackson. } ss.

I, R. Ralph / Daniel R., the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 8th day of July, 1971.

x Ralph A. Daniel
(Name of applicant)

Subscribed and sworn to before me this 8th day of July, 1971.



[Notarial Seal]

David C. Hendrix
NOTARY PUBLIC FOR OREGON

My commission expires Nov. 3, 1972

Remarks _____

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.