

3042

DVA Notification

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Date	Amount	Receipt No.
5-15-74	25.00	40098
TOTAL . . .		
6-10-74	3.00 Cert. Fee	40724

FEES REFUNDED

Date	Amount	Check No.

REMARKS

INDEX CARDS:		Entered	Checked
<i>WC</i>	Name	☒	☐
<i>WC</i>	Stream	☒	☐
<i>WR</i>	Pt. of Div.	☒	☐
<i>WR</i>	Calendar	☒	☐
CHECKED TO RECORDS:			
☒	Twp. & Rge.	☒	☐
☐	Decree-vault	☐	☐
☐	Decree-safe	☐	☐
☒	Cert. of W/E	☒	☐
☒	Per. Folder	☒	☐
☐	Chaindex	☐	☐
☐	Cross Ref.	☐	☐
☐	Power Claim	☐	☐
☐	Abstracts	☐	☐

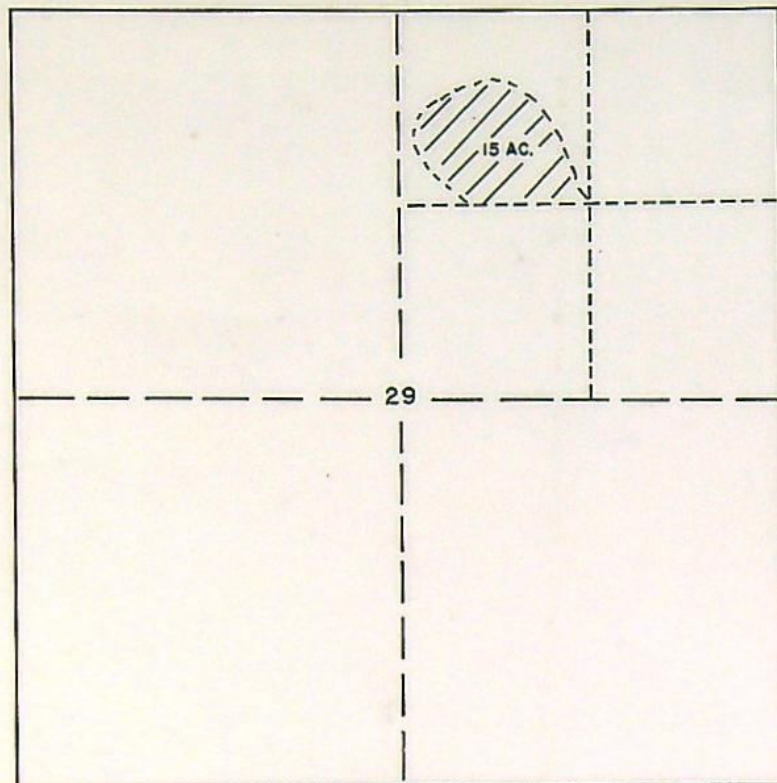
Mailed 9-19-75

Change in place of use
 Date filed 5-15-74
 Date of hearing _____
 Place of hearing _____
 Date of order 7-12-74 Vol. 25, page 36-37
 Date for application of water 10-1-75
 Proof mailed _____
 Proof received _____
 Certificate issued OCT 18 1976 Vol. 35, page 43802

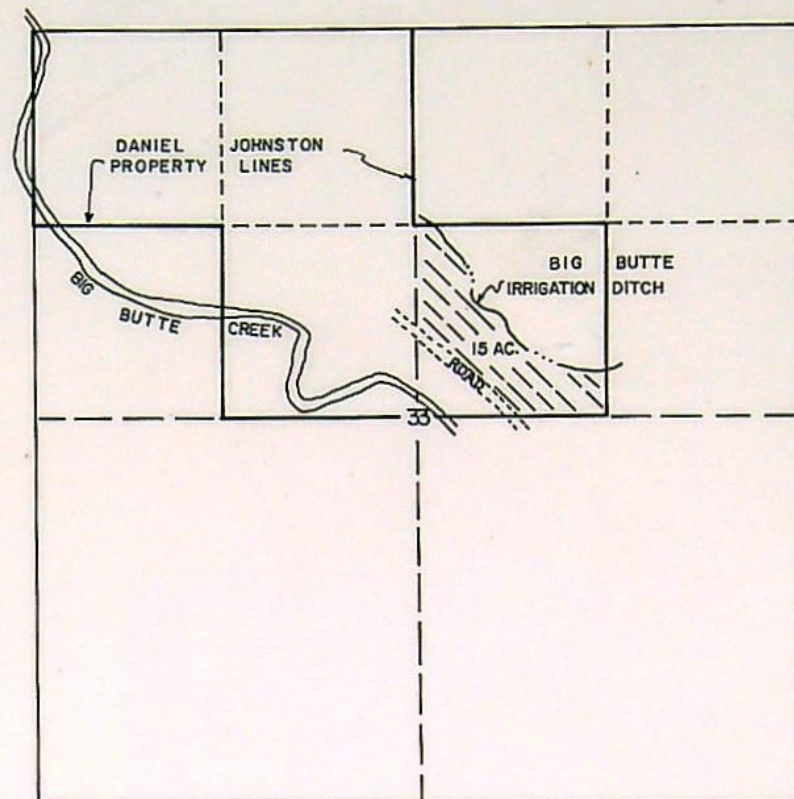
Name of stream North Fork Big Butte Creek
 Trib. of _____ County of Jackson
 Use irrigation
 Quantity of water _____ No. of acres 15.0
 Name of ditch Brophy ditch
 Date of priority Aug. 21, 1920
 In name of Big Butte Dist. Improvement Co.
 _____ Adjudication, Vol. _____, page _____
 App. No. 7486 Per. No. 4872 Cert. No. 36606
 Certificate cancelled _____
 Notation made on record by _____

Chad VES

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



PRESENT PLACE OF USE



PROPOSED PLACE OF USE

RECEIVED

MAY 15 1974
STATE ENGINEER
SALEM, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

J. A. Hoffbuhr

OREGON
NOV 7 1947
J. A. HOFFBUHR
222

MAP SHOWING ACREAGE AND LOCATION OF WATER RIGHTS
TO ACCOMPANY APPLICATION OF TRANSFER

FOR

DANIEL JOHNSTON

J. A. HOFFBUHR, REG. L. S., MEDFORD, OREGON

SCALE: 4" = 1 MILE

MAY 13, 1974

T-3042

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF GEORGE Q. AND LYNNE W. HALEY FOR
THE APPROVAL OF A CHANGE IN PLACE
OF USE OF WATER FROM NORTH FORK
OF BIG BUTTE CREEK

ORDER APPROVING
TRANSFER NO. 3042

On May 15, 1974, George Q. and Lynne W. Haley filed an application in the office of the State Engineer for the approval of a change in place of use of water from North Fork of Big Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Big Butte District Improvement Company and recorded at page 36606, Volume 28, State Record of Water Right Certificates, confirms a right to the use of not to exceed 2.45 cubic feet per second of water from the North Fork of Big Butte Creek for the irrigation of, among other lands, 15.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 34 South, Range 2 East, W.M., with a date of priority of August 21, 1920. These lands are irrigated by means of the Brophy ditch from a point of diversion located South 57° 38' East, 1814 feet from the Southwest corner of Section 34, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 35 South, Range 2 East, W.M.

The applicants herein, owners of the land above described, propose to transfer the water right therefrom, without loss of priority, to 15.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, 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.

Mr. David G. 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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 15.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 34 South, Range 2 East, W.M., with a date of priority of August 21, 1920, be severed therefrom and simultaneously and without loss of priority transferred to 15.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, 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, 1975.

It is FURTHER ORDERED that certificate of water right heretofore issued to Big Butte District Improvement Company and recorded at page 36606, Volume 28, 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 George Q. and Lynne W. Haley confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 12th day of July, 1974.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is To Certify, That BIG BUTTE DISTRICT IMPROVEMENT COMPANY

of 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 North Fork of Big Butte Creek a tributary of Big Butte Creek ^{155.0} for the purpose of irrigation of ~~170.0~~ acres and supplemental irrigation of 27.0 acres under Permit No. 4872 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 August 21, 1920

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 ~~2.45~~ cubic feet per second
2.26

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

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 in case of rotation

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:

John Cobleigh

~~15.0 acres NW 1/4 NE 1/4~~
20.0 acres SW 1/4 NE 1/4
27.0 acres SE 1/4 NE 1/4
Section 29

Josephine Cottrell (supplemental)

27.0 acres SW 1/4 SW 1/4
Section 28

V. M. Woodworth

~~15.0 acres NW 1/4 NE 1/4~~
23.0 acres NW 1/4 NW 1/4
17.0 acres NE 1/4 NW 1/4
17.0 acres SE 1/4 NW 1/4
10.0 acres NE 1/4 SE 1/4
Section 33

Letitia M. Fredenberg

21.0 acres NW 1/4 SW 1/4
Section 34

2.45 - 0.19 = 2.26
197.0 - 15 = 182

Benjamin T. Fredenberg

20.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 34
T. 34 S., R. 2 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 36606, Volume 28, State Record of Water Right Certificates, NOT modified by the provisions of an order of the ~~Water Resources~~ *State Engineer* ~~Director~~ entered on July 12, 1974, approving transfer application No. 3042.

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 27th day of March, 1970

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 28, page 36606