

3600

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed 3-25-77
 Date of hearing 8-3-77
 Place of hearing Medford
 Date of order 9-12-77 Vol. 29, page 273
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received DEC 19 1977
 Certificate issued _____ Vol. 37, page 45050

DESCRIPTION OF WATER RIGHT

Name of stream South Fork Little Butte Creek
 Trib. of _____ County of Jackson
 Use irrigation
 Quantity of water _____ No. of acres 12^e
 Name of ditch Tonn ditch
 Date of priority _____
 In name of L. Tonn
Little Butte Cr. Adjudication, Vol. 14, page (33) 526
 App. No. _____ Per. No. _____ Cert. No. 17220
 Certificate cancelled _____
 Notation made on record by 7-1-91 VCS

FEES PAID

Date	Amount	Receipt No.
<u>3/25/77</u>	<u>\$95.00</u>	<u>59289</u>
TOTAL . . .		
<u>8-31-77</u>	<u>\$2⁰⁰ Cert. Fee</u>	<u>59289</u>

Pd. 8/31/77 medford mail tribune Ch. #1454 (\$29.52)

FEES REFUNDED

Date	Amount	Check No.
<u>8-31-77</u>	<u>\$28.48</u>	<u>1453</u>

Rec'd 95-
 Exam 20-
 POD 15- (35-)
 Cert (2-)
 PON (29.52)
 Refund 28.48 ✓

REMARKS

See T-3970 for retransfer (Δ POD) of this right

— FINIS —

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
✓ Name	<u>lg</u>	_____
✓ Stream	<u>lg</u>	_____
✓ Pt. of Div.	<u>lg</u>	_____
✓ Calendar	<u>lg</u>	_____
CHECKED TO RECORD		
✓ Twp. & Rge.	<u>lg</u>	_____
✓ Decree-vault	<u>lg</u>	_____
✓ Decree-safe	<u>lg</u>	_____
✓ Cert. of W/R	<u>lg</u>	_____
Per. Folder	_____	_____
Chaindex	_____	_____
Cross Ref.	_____	_____
✓ Power Claim	<u>lg</u>	_____
✓ Abstracts	<u>lg</u>	_____

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
A. E. BROWN FOR APPROVAL OF A CHANGE)
IN POINT OF DIVERISON OF WATER FROM)
SOUTH FORK LITTLE BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 3600

On March 25, 1977, an application was filed in the office of the Water Resources Director by A. E. Brown for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 17220, Volume 14, State Record of Water Right Certificates, in the name of L. Tonn, describes a right which includes the use of not to exceed 0.3 cubic foot per second from South Fork Little Butte Creek for irrigation of 12.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 37 South, Range 2 East, W.M., with a date of priority of 1882.

Water for the said right is diverted, through the Tonn Ditch, from a point located 2324 feet South and 870 feet East from the Northeast corner of Section 4, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 37 South, Range 2 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom and, without loss of priority, to pump the water from a point located 910 feet South and 420 feet West from the Northeast corner of Section 4, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 37 South, Range 2 East, W.M.

Notice of the application, pursuant to ORS 540.510, 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 June 9, 16 and 23, 1977.

029
1273-275

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.

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, and shall not exceed 0.3 cubic foot 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.

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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to L. Tonn and recorded at page 17220, Volume 14, State Record of Water

Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, 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 12th day of September, 1977.

/s/ James E. Sexson
Director

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That L. Tonn

of Lake Creek, State of Oregon, has a right to the use of
the waters of South Fork of Little Butte Creek *trib Little Butte Creek*
for the purpose of *Irrigation of 12 acres*

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Jackson County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 14, at page 498; that the priority of the right thereby
confirmed dates from ~~1904~~ 1904

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 0.60 cubic foot per
second; measured at the head of the ditch or the point where the same leaves
the natural stream, from April 1st to October 1st of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,
if for other purposes, the place where such water is put to beneficial use), is as follows:

8 acres NE 1/4 NE 1/4 ~~2 acres in NW 1/4 NE 1/4~~ *743600*
2 " NW 1/4 NE 1/4 ~~2 acres in SE 1/4 NE 1/4~~
2 " SE 1/4 NE 1/4 ~~20 acres in NE 1/4 NE 1/4~~ *- 122 ac (1662)*
Section 4,
T. 37 S., R. 2 E., W. M.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 17220, Volume 14, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on Sept 12, 1977, approving transfer application No. 3600.

The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree.

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 28th day of April, 19 50

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 17220.

NOTICE
OF WATER RIGHT TRANSFER
APPLICATION NO. 3600

Notice is given hereby that an application has been filed in the office of the Water Resources Director by A. E. Brown for approval of a change in point of diversion from South Fork Little Butte Creek.

The certificate recorded at Page 17220, Vol. 14, State Record of Water Right Certificates, in the name of L. Tonn, describes a right which includes the use of not to exceed 0.3 cubic foot per second from South Fork of Little Butte Creek for irrigation of 12.0 acres in NE 1/4 NE 1/4, Sec. 4, T. 37 S., R. 2 E., W.M., with a date of priority of 1882.

Water for the said right is diverted through the Tonn Ditch from a point located 2324 ft. S. and 870 ft. E. from the NE corner of Sec. 4, being within the SW 1/4 NW 1/4 of Sec. 3, T. 37 S., R. 2 E., W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, and without loss of priority, to pump the water from a point located 910 ft. S. and 420 ft. W. from the NE corner of Sec. 4, being within the NE 1/4 NE 1/4 of Sec. 4, T. 37 S., R. 2 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on August 3, 1977, 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 A. E. Brown, 5260 S. Fork Little Butte Creek Rd., Eagle Point, Or. 97524, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS 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 24th day of May, 1977.

JAMES E. SEXSON
Director

Affidavit of Publication

State of Oregon,
County of Jackson

ss.

1. Sharon J. Morris, 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

Application No. 3600

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 June 9, 16, 23, 1977

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

Subscribed and sworn to before me this 24th day of June, 19 77

James J. Wilson
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 19 81

No. _____

In the _____ Court of the

STATE OF OREGON
for the
COUNTY OF JACKSON

Affidavit of Publication

Filed _____, 19____

Clerk.

By _____
Deputy.

From the Office of

Attorney for _____

RECEIVED

JUN 27 1977

WATER RESOURCES DEPT
SALEM, OREGON