

3602

STATUS OF APPLICATION

Change in POU & PDD
John N. & Harriet M. Winton
 Date filed 3-28-77
 Date of hearing 8-2-77
 Place of hearing Medford
 Date of order 9-22-77 Vol. 29, page 362
 Date for application of water 10-1-79 ^{EXT EXT 10-1-81}

Proof mailed

Proof received

Certificate issued NOV 28 1977 Vol. 37, page 44955
FEB 24 1989 60404 ✓

to see 9/8

See also T#3603

DESCRIPTION OF WATER RIGHT

Name of stream Little Butte Creek
 Trib. of County of Jackson
 Use irrigation
 Quantity of water No. of acres 30²
 Name of ditch
 Date of priority
 In name of
 Adjudication, Vol., page
 App. No. 26713 Per. No. 21122 Cert. No. 27966
 Certificate cancelled
 Notation made on record by

FEES PAID

Date	Amount	Receipt No.
<u>3/28/77</u>	<u>\$95.35</u>	<u>59319</u>
TOTAL . . .		
<u>8-31-77</u>	<u>\$2- Cert. Fee</u>	<u>59319</u>
<u>Pl. Medford Mail Tribune Co. Ch. # 1447 (\$32.38)</u> <u>8/31/77</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>8/31/77</u>	<u>\$15.72</u>	<u>1446</u>
	Rec'd	9535
	Fees Exam 20-	
	POU 10.25	
	POD 15-	
	Cert 2-	
		(47.25)
	PON	(32.38)
	Refund	\$15.72 ✓

REMARKS

CARD FOR C DEC 26 1979

W.R.I.S.

Assembled 6/11/85 by SLH

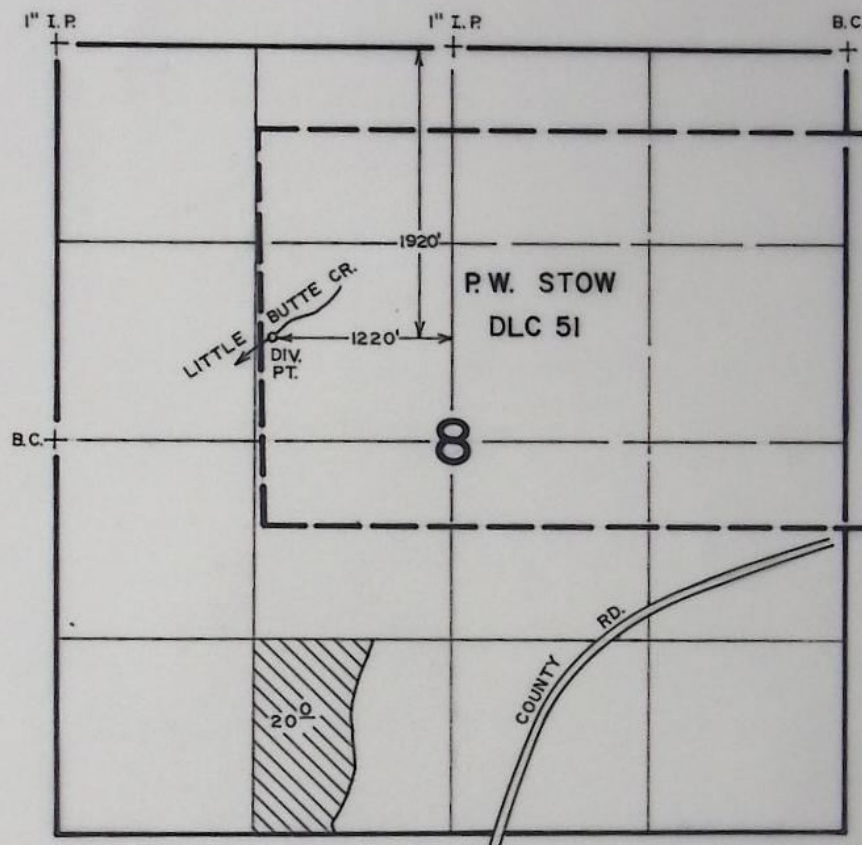
Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WILL BE CHECKED

INDEX CARDS:	Entered	Checked
✓ Name	SLH	_____
✓ Stream	SLH	_____
✓ Pt. of Div.	SLH	_____
✓ Calendar	SLH	_____
✓ CHECKED TO RECORD	SLH	_____
✓ Twp. & Rng.	SLH	_____
✓ Decree-vest	SLH	_____
✓ Decree-safe	SLH	_____
✓ Cert. of W/R	SLH	_____
✓ Per. Filing	SLH	_____
✓ Chainder	SLH	_____
✓ Gross Ref.	SLH	_____
✓ Power Claim	SLH	_____
✓ Abstracts	SLH	_____

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



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3602

Application No. Permit No.
IN NAME OF

..... JOHN KENDLE

Surveyed MAY 4, 1983, by B.S. JAMES

SCALE: 4" = 1 MILE

PTS-1978-14-C
BAX-3AA-56 TWB

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. N. WINTON

of Rt. 1, Box 117-G, 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 ~~130~~ ^{99.8} acres

under Permit No. 21122 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 December 12, 1951

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 ~~1.60~~ ^{1.23} cubic feet 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 Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 8, T. 36 S., R. 1 W., W.M., 420'S & 300'E from the N $\frac{1}{4}$ cor Sec 8.

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 is subject to the terms and conditions of a stipulation recorded on page 642-643, Vol. 3, Misc. Records of the State Engineer, and by reference made a part hereof,

Water Resources Department,

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:

~~T#3602~~

	19.6 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	
	23.2 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$	
83	30.0 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	- 217
	1.0 acre	NE $\frac{1}{4}$ SE $\frac{1}{4}$	
	18.0 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	
22	6.2 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	- 45
Section 5			
12	2.0 acres	Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)	- 02
121	16.4 acres	Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)	- 43
	13.6 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$	
Section 8			
T. 36 S., R. 1 W., W.M.			

302 0.37 cfs

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 27966, Volume 20, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Sept 22, 1977, approving transfer application No. 3602.

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

EDWARD A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 20, page 27966

T#3602

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
JOHN N. AND HARRIET M. WINTON FOR)
APPROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER FROM)
LITTLE BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 3602

On March 28, 1977, an application was filed in the office of the Water Resources Director by John N. and Harriet M. Winton for changes in place of use and point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

292/80 = 0.37 cfs
The certificate recorded at page 27966, Volume 20, State Record of Water Right Certificates, in the name of J. N. Winton, describes a right which includes the use of not to exceed 0.37 cubic foot per second from Little Butte Creek for irrigation of 21.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5; 0.2 acre in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 4.3 acres in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, Township 36 South, Range 1 West, W.M., with a date of priority of December 12, 1951.

Water for the said right is diverted from a point located 420 feet South and 300 feet East from the North quarter corner of Section 8, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 8, Township 36 South, Range 1 West, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate a certain 1.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 29.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8, from a point of diversion 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 said Section 8.

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 8, 15, and

1079
2362-364

22, 1977.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion as described herein, without loss of priority, are 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 0.37 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 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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to J. N. Winton and recorded at page 27966, Volume 20, 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 22nd day of September, 1977.

/s/ James E. Sexson
Director

NOTICE
OF WATER RIGHT TRANSFER
APPLICATION NO. 3602

Notice is given hereby that an application has been filed in the office of the Water Resources Director by John N. and Harriet M. Winton for approval of a change in place of use and point of diversion from Little Butte Creek.

The certificate recorded at Page 27966, Vol. 20, State Record of Water Right Certificates, in the name of J. N. Winton, describes a right which includes the use of not to exceed 0.37 cubic foot per second from Little Butte Creek for irrigation of 21.7 acres in SE 1/4 SW 1/4 and 4.0 acres in SW 1/4 SE 1/4 of Sec. 5; 0.2 acre in Lot 2 (NW 1/4 NE 1/4) and 4.3 acres in Lot 3 (NE 1/4 NW 1/4) of Sec. 8, T. 36 S., R. 1 W., W.M., with a date of priority of Dec. 12, 1951.

Water for the said right is diverted from a point located 420 ft. S. and 300 ft. E. from the N. 1/4 corner of Sec. 8, being within the NW 1/4 NE 1/4 of said Sec. 8.

The applicants herein, owners of the lands above described, propose to change the place of use and point of diversion therefrom, and without loss of priority to irrigate a certain 1.2 acres in NW 1/4 SW 1/4 and 29.0 acres in SE 1/4 SW 1/4 of said Sec. 8 from a point of diversion located 600 ft. N. and 1430 ft. E. from the W. 1/4 corner of Sec. 8, being within the SE 1/4 NW 1/4 of said Sec. 8.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on August 2, 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 John N. and Harriet M. Winton, 10700 Agate Rd., Eagle Point, Oregon 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. 3602 / Winton, 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 8, 15, 22, 1977
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Subscribed and sworn to before me this 22nd day of June, 1977

My Commission expires 21st day of May, 1981

NOTARY PUBLIC FOR OREGON