

3603

20/1025

STATUS OF APPLICATION

Change in place of use
 Date filed 3-28-77
 Date of hearing 8-2-77
 Place of hearing Medford
 Date of order 9-22-77 Vol. 29, page 365
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued MAR 23 1989 Vol. 57, page 60560

DESCRIPTION OF WATER RIGHT

Name of stream Little Butte Creek
 Trib. of _____ County of Jackson
 Use irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority _____
 In name of _____
Little Butte Cr. Adjudication, Vol. 14, page 513
 App. No. _____ Per. No. _____ Cert. No. 31232
 Certificate cancelled _____
 Notation made on record by _____

FEE PAID

Date	Amount	Receipt No.
3/28/77	\$ 30.25	59320
TOTAL . . .		
	Cert. Fee	

FEE REFUNDED

Date	Amount	Check No.

Fees Exam 20-
 100 1025
 3025

See Also T#3602
 T#3062

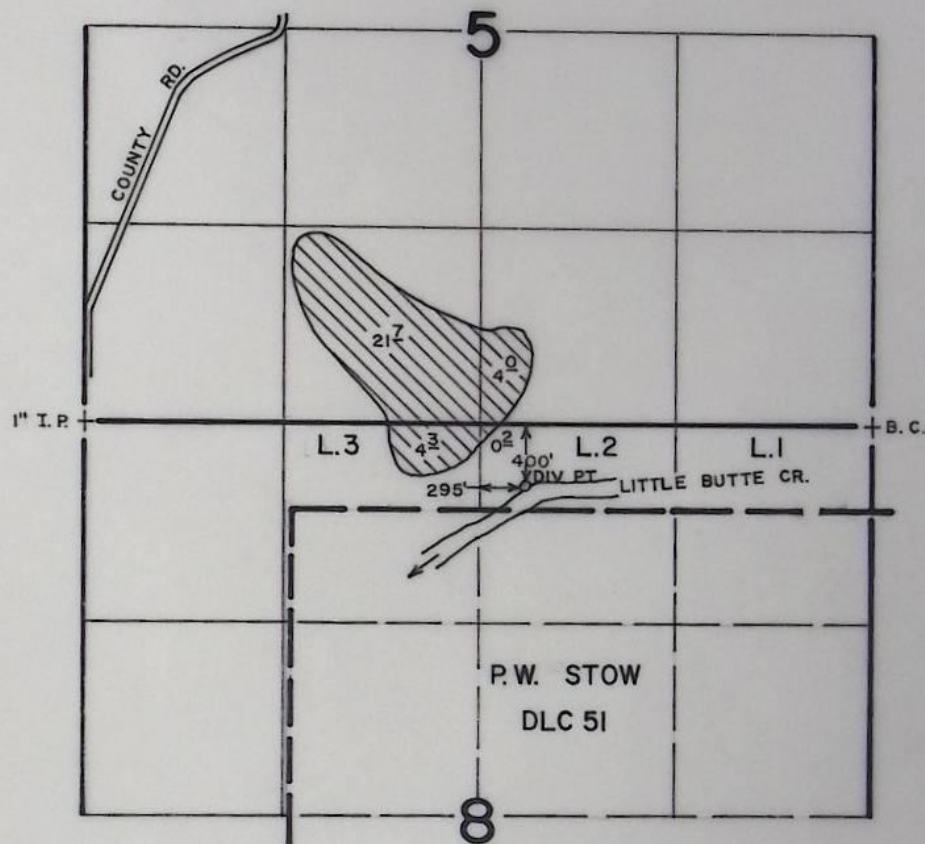
REMARKS

Hold pending approval of T#3062 (APOD needing PON)

CARD FOR C. DEC. 2.6.1979

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	lg	
<input checked="" type="checkbox"/> Stream	lg	
<input checked="" type="checkbox"/> Pt. of Div.		
<input checked="" type="checkbox"/> Calendar	lg	
CHECKED TO REC.		
<input checked="" type="checkbox"/> Top. & Rec.	lg	
<input checked="" type="checkbox"/> Decree-vault	lg	
<input checked="" type="checkbox"/> Decree-safe	lg	
<input checked="" type="checkbox"/> Cert. of W/R	lg	
<input checked="" type="checkbox"/> Post Folder		
<input checked="" type="checkbox"/> Chatindex		
<input checked="" type="checkbox"/> Gross Ref.		
<input checked="" type="checkbox"/> Power Claim		
<input checked="" type="checkbox"/> Abstracts	lg	

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



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3603

Application No. Permit No.
IN NAME OF

JOHN N. & HARRIET M. WINTON

Surveyed MAY 4 1983, by B. S. JAMES

SCALE: 4" = 1 MILE

PTS 1960-B
BAX-3AA-56

TWB

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 A CHANGE IN PLACE OF USE)
OF WATER FROM LITTLE BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 3603

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

The certificate recorded at page 31232, Volume 23, State Record of Water Right Certificates, in the name of J. N. Winton, describes a right which includes the use of not to exceed 0.72 cubic foot per second from Little Butte Creek for irrigation of a certain 2.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 19.7 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 7.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.6 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 36 South, Range 1 West, W.M., with a date of priority of April, 1899.

Water for the said right is diverted from a point located 397 feet South and 295 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 therefrom and, without loss of priority, to irrigate in lieu thereof a certain 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.

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

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P365-366

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 requested change in place of use as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to John N. Winton and recorded at page 31232, Volume 23, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to the applicants herein.

Dated at Salem, Oregon, this 22nd day of September, 1977.

/s/ James E. Sexson
Director

OK Cert
AE

Court

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ^{& Harriet M.} JOHN H. WINTON10700 Agate Rd.
of Rt. 1 Box 320, Eagle Point

, State of Oregon 97524, has a right to the use of

the waters of Little Butte Creek, tributary of Rogue River

for the purpose of irrigation of ~~45~~ ^{30.2} 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 April, 1899 for Tract No. 1 and 1908 for Tract No. 2

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 0.76 cubic foot per second for Tract No. 1 and 0.30 cubic foot per second for Tract No. 2 measured at the point of diversion, 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:

T#3603

Tract 1		
21.7 acres SE 1/4 SW 1/4	2.7 acres NE 1/4 SW 1/4	- 2.7
5.8 " SW SE	19.7 acres NW 1/4 SW 1/4	- 19.7
Sec 5	7.2 acres SW 1/4 SW 1/4	- 7.2
0.2 acres NW 1/4 NE 1/4	0.6 acre SE 1/4 SW 1/4	- 0.6
4.3 acres NE NW	1.8 acres SW SE	
Sec 8		
Section 5		

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Tract 2

2.5 acres NW 1/4 SE	
3.8 acres NW 1/4 SE	
5.9 acres SW 1/4 SE	
0.8 acre SE SE	
Section 5	

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Township 36 South, Range 1 West, W. M.

3 Clause

This certificate is issued to confirm a change in place of use approved by an order of the Water Resources Director entered Sept. 22, 1977 and supersedes certificate 31232, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 13th day of November, 1963.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page 31232

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