

3725

## STATUS OF APPLICATION

Change in POU & POD  
Date filed 7-8-77  
Date of hearing Jan 24, 1978  
Place of hearing Medford  
Date of order 1-27-78 Vol. 30, page 335  
Date for application of water 10-1-79  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued AUG 10 1978 38, page 46183

G-8187 pending approval  
Notify 25.

*Proposed cert*  
**FEB 17 1989** *Blank mailed*

**APR 27 1989****58****60944**

## REMARKS

— finish —

## DESCRIPTION OF WATER RIGHT

Name of stream Little Butte Creek  
Trib. of \_\_\_\_\_ County of Jackson  
Use \_\_\_\_\_  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority 1883  
In name of Little Butte Creek Irrigation Co.  
Little Butte Cr. Adjudication, Vol. 14, page 52D  
App. No. — Per. No. — Cert. No. 38305  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>7-8-77</u>	<u>\$95-</u>	<u>62364</u>
TOTAL . . .		
<u>12-22-77</u>	<u>\$2 Cert. Fee</u>	<u>Transf. from 62364</u>

*The Daily Tidings* Pd 12/22/77 \$38.09 CK # 1857

## FEES REFUNDED

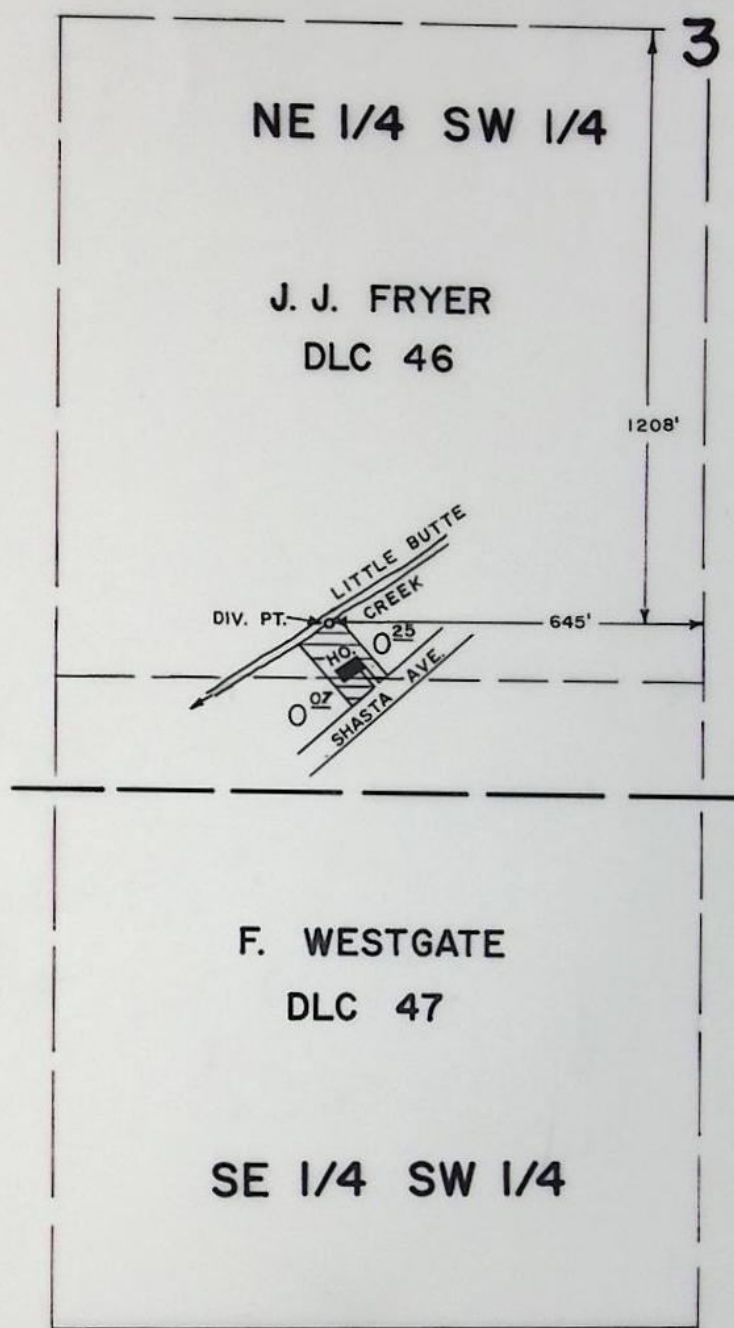
Date	Amount	Check No.
<u>1/19/78</u> <u>12/22/77</u>	<u>\$ 9.91</u>	<u>1929</u> <u>1858 void</u>
Exam	20-	
POD	15-	
POU	10	
Cert	2-	
PON	38.09	
	85.09	

CARD FOR C DEC 26 1979

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



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



**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. 3725

Application No. .... Permit No. ....  
IN NAME OF

PATRICK A. & CHRISTENE L. BLAKELY

Surveyed AUG..29.. 19.83, by B..SUZIE..JAMES

SCALE: 1" = 400'

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF PATRICK A. & CHRISTENE L. )  
BLAKELY FOR APPROVAL OF CHANGES )  
IN PLACE OF USE AND POINT OF )  
DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3725

On July 8, 1977, an application was filed in the office of the Water Resources Director by Patrick A. and Christene L. Blakely for approval of changes in place of use and point of diversion from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 38305, Volume 30, State Record of Water Right Certificates, in the names of E. D. Warrick, F. N. Stevens and E. & M. Kunkel, describes a right which includes the use of not to exceed 0.01 cubic foot per second from Little Butte Creek for irrigation of a certain 0.5 acre in SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 35, Township 35 South, Range 1 West, W.M., with a date of priority of 1883.

Water for the said right is diverted, through the Little Butte Irrigation Company Ditch, from a point located 560 feet North and 2990 feet East from the Southwest Corner of Section 31, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 31, Township 35 South, Range 1 East, 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 in lieu thereof a certain 0.25 acre in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 0.25 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 3, Township 36 South, Range 1 West, W.M., from a point of diversion located 1390 feet North and 1825 feet East from the Southwest Corner of Section 3, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 3.

Notice of the application, pursuant to ORS 540.510, was published in the Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of November 30; December 7 and 14, 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 0.01 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

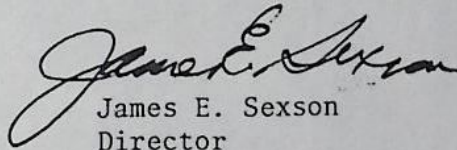
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 E. D. Warrick, F. N. Stevens and E. & M. Kunkel and recorded at page 38305, Volume 30, 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 27th day of January, 1978.

  
James E. Sexson  
Director



## STATE OF OREGON

COUNTY OF

JACKSON

SUPERSEDED 46/83

*Proposed* CERTIFICATE OF WATER RIGHTThis Is to Certify, That *Robert L. & Lois K. Blackburn* ~~E. D. WARRICK, F. M. STEVENS, E. & M. KUNKEL~~*790 Shasta Ave.*  
of ~~B. F. Star Route, Box 870, Eagle Point~~, State of ~~Oregon~~ *97524*, has a right  
to the use of the waters of ~~Little Butte Creek~~a tributary of ~~Rogue River~~ for the purpose of  
irrigation of ~~38.9 acres, domestic and stock~~ *irrigating 0.30 acre*  
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 1883that 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 ~~0.774~~ *0.01* cubic feet per  
second for irrigation 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. *if*  
*available at the original point of diversion: Little Butte Irr.*  
*Co. ditch, SW 1/4 SE 1/4, Section 31, T. 35 S., R. 1 E., W. M.*The point of diversion is located in the ~~SW 1/4~~ *NE 1/4 SW 1/4*, Section 31, T. 35 S., R. 1 E., W. M., *1208'S*  
Diversion point located: ~~560 feet North and 2990 feet East from SW Corner, Section 31.~~  
A description of the place of use under the right, and to which such right is appurtenant, is as  
follows: *645' W from center of sec 3.*

<i>NE 1/4 SW 1/4 0.25 acre</i>	4.0 acres SE 1/4 NE 1/4
<i>SE 1/4 SW 1/4 0.07 "</i>	1.4 acres NE 1/4 SE 1/4
<i>Section 3</i>	Section 34
<i>T. 36 S., R. 1 W., W. M.</i>	17.0 acres SW 1/4 NW 1/4
	4.1 acres NW 1/4 SW 1/4
	Section 35
	3.5 acres SW 1/4 SE 1/4
	8.4 acres SE 1/4 SE 1/4
	Section 36
	T. 35 S., R. 1 W., W. M.

## 1 Clause

This certificate is issued to confirm a change in *place of use of diversion* and approved  
by an order of the Water Resources Director entered Jan 27, 1978, and  
together with certificate *46163*, supersedes certificate *38305*,  
State Record of Water Right Certificates.

The issuance ..... 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 date March 27, 19 72

CHRIS L. WHEELER  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38305

T-3725

60944  
T#3725



## STATE OF OREGON

COUNTY OF

JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That E. D. WARRICK, F. N. STEVENS, E. & M. KUNKEL

of B. F. Star Route, Box 870, Eagle Point, State of Oregon, has a right to the use of the waters of Little Butte Creek

a tributary of Rogue River for the purpose of irrigation of <sup>38.4</sup> ~~100~~ acres, domestic, and stock 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 1883

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 <sup>0.764</sup> ~~0.774~~ cubic feet per second for irrigation 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.

The point of diversion is located in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31, T. 35 S., R. 1 E., W. M. ~~Diversion point located:~~ 560 feet North and 2990 feet East from SW Corner, Section 31. A description of the place of use under the right, and to which such right is appurtenant, is as follows:

T-3725  
4.0 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
1.4 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 34

<sup>16.5</sup> ~~17.0~~ acres SW $\frac{1}{4}$  NW $\frac{1}{4}$  - <sup>0.5</sup>  
4.1 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 35

3.5 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
8.4 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 36  
T. 35 S., R. 1 W., W. M.

0.5 acre NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 1  
T. 36 S., R. 1 W., W. M.

~~38.4~~  
~~0.764~~

~~0.5~~  
~~0.01~~

This certificate is issued to confirm a change in place of use approved by an order of the State Engineer entered March 7, 1966.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 38305, Volume 30, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on January 27, 1978, approving transfer application No. 3725.

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

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38305

46183

T # 3725



**AFFIDAVIT OF PUBLICATION**

STATE OF OREGON, }  
County of Jackson, } ss.

I, ... Doris Thompson, ..., being first duly sworn, depose and say that I am the printer of the ASHLAND TIDINGS, a daily newspaper of general circulation, printed and published in Ashland, in the aforesaid county and state; that such newspaper is made up of at least four pages of five columns of at least 17 3/4 inches in depth, or if smaller pages, then comprising an equivalent amount of type matter; that said newspaper was regularly and uninterruptedly published for at least one year immediately proceeding the first publication of the attached notice, and has more than 200 bona fied subscribers within the county in which it is published; that the notice of which the one hereto attached is a true and correct copy, viz;

RECEIVED

DEC 15 1977

WATER RESOURCES DEPT  
SALEM, OREGON

Tell Everyone  
With A  
Service  
Directory  
Listing.

HAVE A  
PRODUCT  
OR SERVICE  
TO OFFER?

was published in the regular and entire issue of said newspaper once a week for ...three... successive and consecutive weeks, commencing with the issue dated the ...30th... day of ...Nov....., 1977..., and ending with the issue dated ...14th... day of ...Dec..... 19 77....

That the price actually charged for this notice was \$38.09.....

That a reduction of \$..... from the legal rate was made for charitable purposes.

*Doris Thompson*  
Subscribed and sworn to before me this *14th* day of *December*, 19 *77*  
*Eileen Abbott*  
Notary Public for Oregon.  
(My commission expires *10-5-78*)

## STATE OF OREGON,

County of Jackson,

-SS.

RECEIVED

DEC 15 1977

WATER RESOURCES DEPT  
SALEM, OREGON



That the price actually  
That a reduction of \$. .  
charitable purposes.

Subscribed and sworn to

APPLICATION NO. 3725  
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The certificate recorded at page 38305, Volume 30, State Record of Water Right Certificates, in the names of E.D. Warrick, F.N. Stevens, and E. & M. Kunkel, describes a right which includes the use of not to exceed 0.01 cubic foot per second from Little Butte Creek for irrigation of a certain 0.5 acre in SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec 35, T 35 S, R 1 W, WM, with a date of priority of 1883.

Water for the said right is diverted, through the Little Butte Irrigation Company Ditch, from a point located 560 ft N and 2990 ft E from the SW Corner of Sec 31, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec 31, T 35 S, R 1 E, WM.

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 in lieu thereof a certain 0.25 acre in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 3, T 36 S, R 1 W, WM, from a point of diversion located 1390 ft N and 1825 ft E from the SW Corner of Sec 3, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Sec 3.

said Sec 3,  
All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on January 24, 1978, at 9:30 a.m. All objections to the proposed changes, 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 Patrick A. and Christene L. Blakely, c/o Ronald L. and Carmen K. Bernhardt, 790 S. Shasta, Eagle Point, OR 97524 and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 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 WATER RESOURCES DIRECTOR WITHOUT A HEARING. Instructions regarding the filing of a protest will be furnished by the water Resources Department upon request.

upon request.  
Dated at Salem, Oregon, this  
22nd day of November, 1977.  
James E. Sexson  
Director  
Publish: Nov. 30, Dec. 7, 14, 1977

spaper once a week for  
nencing with the issue  
and ending with the  
... 19 77 ...

3.8 .09.....  
Legal rate was made for

Public for Oregon.

P-5-78.....)