

3861 Lemon

Name Virginia H. Lemon

By _____

Address 198 Nick Young RoadEagle Point, OR 97524Change in PODDate filed 1-11-78Date of hearing March 14, 1978Place of hearing MedfordDate of order 3-16-78 Vol. 30, page 468Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued AUG 10 1978 Vol. 38, page 46185FEB 28 1979 402-7935to survey 6/78

3861

DESCRIPTION OF WATER RIGHT

Name of stream Little Butte CreekTrib. of _____ County of Jackson

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority _____

In name of Nicholas YoungLittle Butte Creek Adjudication, Vol. 14, page 528App. No. _____ Per. No. _____ Cert. No. 39591

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>1-11-78</u>	<u>85.00</u>	<u>620</u>
TOTAL . . .		
<u>2-14-78</u>	<u>\$2</u> Cert. Fee	<u>Transfr 620</u>
<u>The Daily Tidings \$32.86 pd 2-16-78 ck#1993</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>2-16-78</u>	<u>\$15.14</u>	<u>1994</u>
Exam	20	
POD	15	
Cert	2	
PON	32.86	
	69.86	

REMARKS

W.R.I.S.

Assembled 6-28-85 by SAX

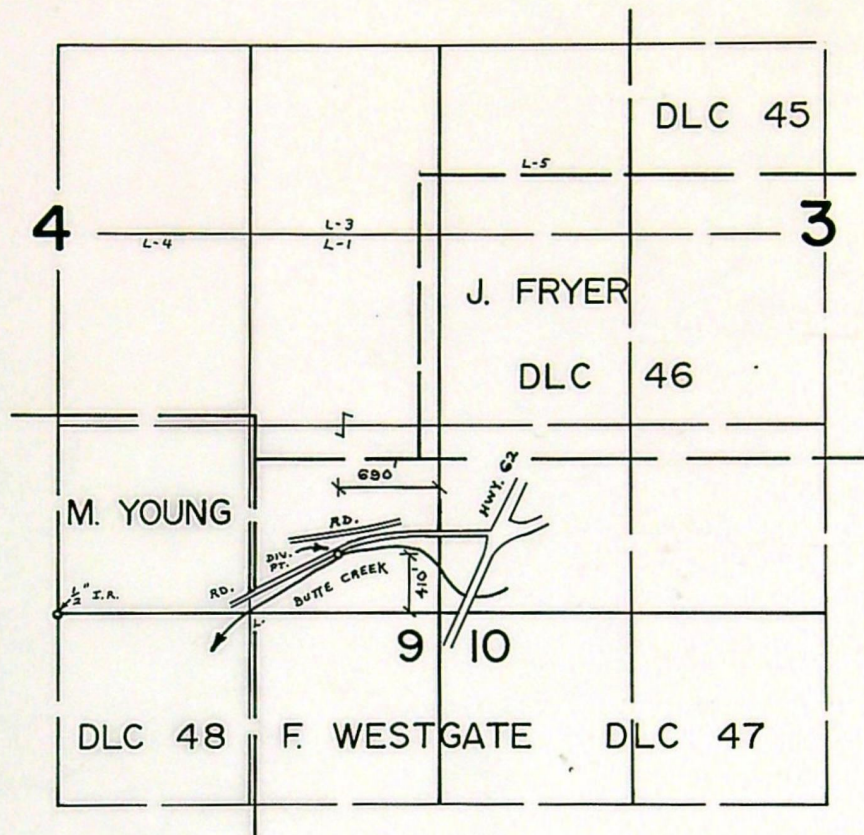
Entered _____ by _____

Verified _____ by _____

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

96

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



FINAL PROOF SURVEY
UNDER

Application No. TR-3861 Permit No.
IN NAME OF

VIRGINIA LEMON

Surveyed AUG. 22 1978, by B. SUND

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

HEIRS OF NICHOLAS YOUNG

of **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 ~~35.2~~ **34.5 ac**
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 **1899**

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 ~~0.73~~ **0.72** 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,

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, T. 36 S., R. 1 W., W. M., 540 feet North and 817 feet East from SW
Corner, Section 3, 150 feet North and 1180 feet West from SE Corner, Section 4, 85 feet
South and 1095 feet East from S $\frac{1}{4}$ Corner, Section 4, 570 feet South and 1050 feet West,*

A description of the place of use under the right, and to which such right is appurtenant, is as
follows:

~~P. L. Young~~

4.7 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
1.6 ~~2.3~~ acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 4

11.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
1.0 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 9

~~Nich Young~~

12.2 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 9

~~T. C. Dugan~~

4.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 9
T. 36 S., R. 1 W., W. M.

* 860 feet South and 220 feet West both from N $\frac{1}{4}$ Corner, Section 9, 288 feet South
and 46 feet East from NW Corner, Section 9.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page **39591**, Volume **31**, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on March 16, 1978, approving transfer application No. **3861**.

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

446185

Certificate of water right issued to Heirs of Nicholas Young and recorded at page 17228, Volume 14, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 56.2 acres. Changes in the right to the use of water appurtenant to 21.0 acres was approved by orders of the State Engineer entered September 15, 1966 and April 6, 1973. This certificate is issued to confirm the remaining right to the use of water for irrigation and to confirm changes in points of diversion approved by orders of the State Engineer entered September 13, 1955, July 11, 1957, July 17, 1957, June 30, 1958, and October 23, 1959 and supersedes the certificate heretofore issued to Heirs of Nicholas Young.

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 November 21, 1973.

.....Chris L. Wheeler.....
State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39591

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF VIRGINIA H. LEMON FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM LITTLE BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 3861

On January 11, 1978, an application was filed in the office of the Water Resources Director by Virginia H. Lemon for approval of a change in point of diversion from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 39591, Volume 31, State Record of Water Right Certificates, in the name of Heirs of Nicholas Young, 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 0.7 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 36 South, Range 1 West, W.M., with a date of priority of 1899.

Water for the said right is diverted, through the Young & Britt Ditch, from a point located 540 feet North and 817 feet East from the Southwest Corner of Section 3, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 390 feet North and 740 feet West from the Southeast Corner of Section 4, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 4.

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 January 20 and 27 and February 3, 1978.

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.

V30, P468

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:

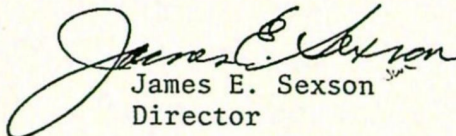
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Heirs of Nicholas Young and recorded at page 39591, Volume 31, 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 16th day of March, 1978.


James E. Sexson
Director

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;

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3861

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Virginia H. Lemon for approval of a change in point of diversion from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 39591, Volume 31, State Record of Water Right Certificates, in the name of Heirs of Nicholas Young, describes a right which includes the use of not to exceed 0.01 cubic foot per second from Little Butte Cr. for irrigation of a certain 0.7 acre in SE 1/4 SE 1/4 of Sec 4, T 36 S, R 1 W, WM, with a date of priority of 1899.

Water for the said right is diverted, through the Young & Britt Ditch, from a point located 540 ft N and 817 ft E from the SW Corner of Sec 3, being within the SW 1/4 SW 1/4 of Sec 3, T 36 S, R 1 W, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 390 ft N and 740 ft W from the SE Corner of Sec 4, being within the SE 1/4 SE 1/4 of said Sec 4.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on March 14, 1978, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. And all objections shall be prepared in writing, one copy to be served on Virginia H. Lemon, 198 Nick Young Rd., Eagle Point, OR 97524 and one copy to be 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.

Dated at Salem, Oregon, this 16th day of January, 1978.

James E. Sexson
Director

Publish: Jan. 26, 27 Feb. 3, 1978

was published in the regular
..three.... successive a
dated the20th. day
issue dated ..third day

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

Subscribed and sworn to

newspaper once a week for
commencing with the issue
.. and ending with the
.... 1978.....

\$32.86.....
legal rate was made for

Thompson
of *February 19, 78*
not a legal

Public for Oregon.
1978.....)

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

**NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 3861**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Virginia H. Lemon for approval of a change in point of diversion from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 39591, Volume 31, State Record of Water Right Certificates, in the name of Helms & Nicholas Young, describes a right which includes the use of not to exceed 601 cubic foot per second from Little Butte Cr. for irrigation of a certain 0.7 acre in SE¼ Sec 4, of Sec 4 T 36 S R 1 W, WM, with a date of priority of 1899.

Water for the said right is diverted through the Young & Nicholas Young (a point located 1/4 mile from the SW corner within the T 36 S R 1 W, WM) to the owner of the described point of diversion, 1/4 mile from the SW corner within the T 36 S R 1 W, WM.

That the price actually charged for this notice was \$32.86.....
That a reduction of \$..... from the legal rate was made for charitable purposes.

Notary Public for Oregon.
(My commission expires 10-5-78.)