

3955  
Kershner

Name Richard C. and/or Reethe Kershner

By \_\_\_\_\_

Address 8585 Highway 140  
Eagle Pt., OR 97524

Change in P.O.D.

Date filed 5-8-78

Date of hearing July 12, 1978

Place of hearing Medford

Date of order 7-14-78 Vol. 31, page 50

Date for application of water 10-1-79

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued AUG 10 1978 Vol. 38, page 46187

**APR 25 1985**

48

52986

3955

DESCRIPTION OF WATER RIGHT **DVA Notification**

Name of stream Little Butte Cr.

Trib. of \_\_\_\_\_ County of Jackson

Use Irrigation

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

Date of priority 1874

In name of W. M. Hansen

Little Butte Adjudication, Vol. 74, page 519

App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 17187

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

**FEES PAID**

Date	Amount	Receipt No.
<u>5-8-78</u>	<u>85<sup>00</sup></u>	<u>2748</u>
TOTAL . . .		
<u>6-9-78</u>	<u>\$2 Cert. Fee</u>	<u>Trmt. fr 2748</u>
<u>Medford Mail Tribune \$29.05 pd 6-9-78 ck #2315</u>		

**FEES REFUNDED**

Date	Amount	Check No.
<u>6-9-78</u>	<u>18.95</u>	<u>2314</u>

Ex 20 -  
POD 15 -  
Grt 2 -  
PON 29 <sup>23</sup>  
66 <sup>00</sup>

**REMARKS**

W.R.I.S.

Assembled 6-9-85 by SKL

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

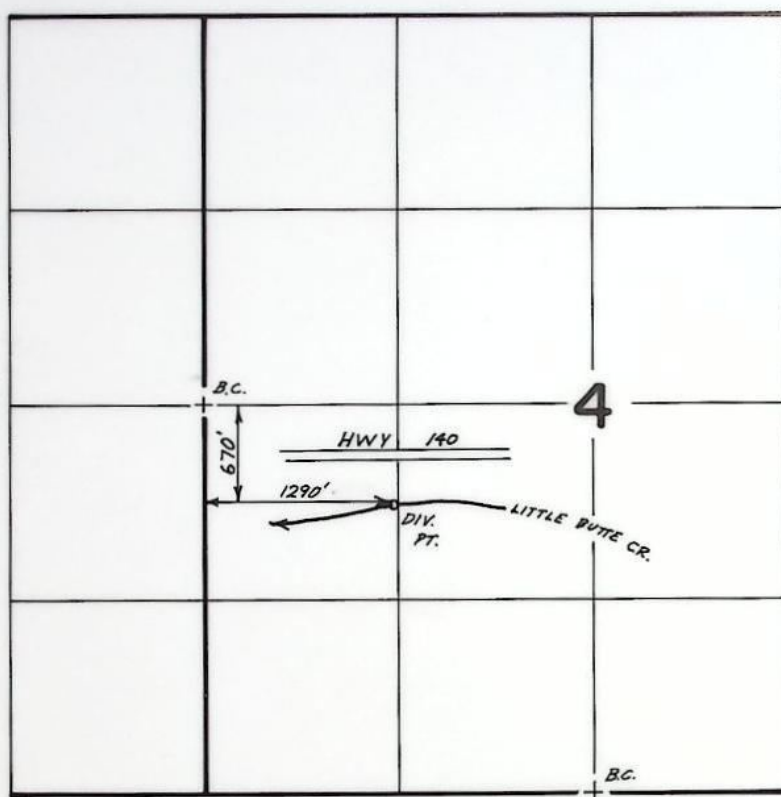
**INDEX CARDS:**

TO BE ENTERED WHEN CHECKED	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg</u>	_____
<input checked="" type="checkbox"/> Stream	<u>lg</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>lg</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	_____
<input checked="" type="checkbox"/> Twp. & Rge.	<u>lg</u>	_____
<input checked="" type="checkbox"/> Decree-vault	<u>lg</u>	_____
<input checked="" type="checkbox"/> Decree-safe	<u>lg</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>SKL</u>	_____
<input type="checkbox"/> Per. Folder	_____	_____
<input type="checkbox"/> Chainindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	<u>lg</u>	_____
<input type="checkbox"/> Abstracts	_____	_____

Kershner

167

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



SCALE : 1" = 1320'

**FINAL PROOF SURVEY**  
UNDER

Transfer No. 3955

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

RICHARD C. & or REATHA KERSHNER

Surveyed July...19... 1984.., by B.S. JAMES.....



## STATE OF OREGON

SUPERSEDED  
CERTIFICATE NO. 46187

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, Richard C. &/or Reatha Kershner  
That W. M. Hansen8585 Hwy 140  
of Brownsboro, Eagle Point, State of Oregon 97524, has a right to the use of  
the waters of Little Butte Creek trib Rogue River  
of 3.5 acresfor the purpose of Irrigation and domestic for Tract No. 1 and Irrigation for Tracts  
No. 2 and 3and 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 1874 for Tract No. 1; 1874 for Tract No. 2 and 1908 for Tract  
No. 3;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 0.30 cubic foot per  
second for Tract No. 1 and 0.7 cubic foot per second for Tract No. 2 and 0.09 cubic  
foot per second for Tract No. 3; measured at head of ditch or point where same leaves  
the natural stream, from April 1st to October 1st of each year; if available at 0.08 cfs.  
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:

## Tract No. 1

3.5 12.5 acres in NW 1/4 SW 1/4  
Section 4,  
T. 36 S., R. 1 E., W. M.

## Tract No. 2

16.5 acres in SW 1/4 NW 1/4  
6.0 acres in SE 1/4 NW 1/4  
2.0 acres in NW 1/4 SW 1/4  
Section 4,  
5.0 acres in SE 1/4 NE 1/4  
Section 5,  
T. 36 S., R. 1 E., W. M.

## Tract No. 3

3.7 acres in SE 1/4 NE 1/4  
Section 5,  
T. 36 S., R. 1 E., W. M.This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered 7-14-78 and together with certificate of water right recorded on Page 46187, Volume 38, SRWRC supersedes certificate of water right recorded on Page 17187, Volume       , SRWRC.

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

this 20th day of April, 1950.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 17187.

52986

T-3955

original point of diversion; cc sec 3 T36S R1E W1M, Brownsboro Ditch - 580' N and 660' E from SW cor Sec 3

POD: bc, Sec 4, T36S R1E W1M, 670' S &amp; 1290' E from W1/4 cor Sec 4

72150



## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That W. M. Hansen

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

the waters of Little Butte Creek *trib Rogue River*for the purpose of Irrigation<sup>of 9.0 acres</sup> and domestic for Tract No. 1 and Irrigation<sup>of 33.2 acres</sup> for Tracts No. 2 and 3

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 1874 for Tract No. 1; 1874 for Tract No. 2 and 1908 for Tract No. 3;

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 ~~0.30~~<sup>0.22</sup> cubic foot per second for Tract No. 1 and 0.7 cubic foot per second for Tract No. 2 and 0.09 cubic foot per second for Tract No. 3; measured at head of ditch or point where 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:

Tract No. 1  
9.0 ~~12.5~~ acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 4,  
T. 36 S., R. 1 E., W. M.

Tract No. 2  
16.5 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$   
6.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$   
2.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 4,  
5.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 5,  
T. 36 S., R. 1 E., W. M.

Tract No. 3  
3.7 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 5,  
T. 36 S., R. 1 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 17187, Volume 14, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 14, 1978, approving transfer application No. 3955.

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, 1950

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 17187.

P.O.D. SW $\frac{1}{4}$  Sec 3 T36S R1E WM  
Brownsboro Ditch - 500' N & 660' E from  
the SW cor Sec 3



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF RICHARD C. & REATHA KERSHNER )  
FOR APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3955

On May 8, 1978, an application was filed in the office of the Water Resources Director by Richard C. and Reatha Kershner 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 17187, Volume 14, State Record of Water Right Certificates, in the name of W. M. Hansen, describes a right which includes the use of not to exceed 0.08 cubic foot per second from Little Butte Creek for irrigation of a certain 3.5 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4, Township 36 South, Range 1 East, W.M., with a date of priority of 1874.

Water for the said right is diverted, through the Brownsboro Ditch, from a point located 580 feet North and 660 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 East, W.M.

The applicants herein, owner of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 670 feet South and 1290 feet East from the West Quarter Corner of Section 4, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4, Township 36 South, Range 1 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 May 17, 24 and 31, 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.

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 0.08 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:

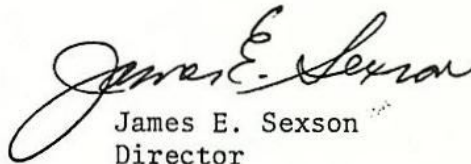
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 W. M. Hansen and recorded at page 17187, 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 applicants herein.

Dated at Salem, Oregon this 14th day of July, 1978.

  
James E. Sexson  
Director



RECEIVED

JUN 2 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

NOTICE OF WATER RIGHT TRANSFER  
APPLICATION NO. 3953

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Richard C. & Reatha Kershner 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 17187, Volume 14, State Record of Water Right Certificates, in the name of W. M. Hansen, describes a right which includes the use of not to exceed 0.08 cubic foot per second from Little Butte Creek for irrigation of a certain 3.5 ac in NW 1/4 SW 1/4 of Sec 4, T 36 S, R 1 E, WM, with a date of priority of 1874.

Water for the said right is diverted, through the Brownsboro Ditch, from a point located 580 ft N & 660 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 E, 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 670 ft S & 1290 ft E from the W 1/4 Corner of Sec 4, being within the NW 1/4 SW 1/4 of Sec 4, T 36 S, R 1 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on July 12, 1978, 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 Richard C. and Reatha Kershner, 8585 Hwy 140, 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.

Dated at Salem, Oregon this 11th day of May, 1978.

James E. Sexson  
Director

Affidavit of Publication

State of Oregon,  
County of Jackson

ss.

Sharon Morris

1. \_\_\_\_\_, 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

No. 3955

\_\_\_\_\_ 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 \_\_\_\_\_ May 17, 24, 31, 1978. \_\_\_\_\_

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

*Sharon Morris*

Subscribed and sworn to before me this 31st day of May, 1978

*James J. Osborn*  
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981