

3970

Name A. E. Brown

By _____

Address 5260 So. Fk. Little Butte Cr. Rd.
Eagle Point, OR 97524Change in PODDate filed June 9, 1978

Date of hearing _____

Place of hearing _____

Date of order 6-19-78 Vol. 30, page 7Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page 45050
66855

DESCRIPTION OF WATER RIGHT

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

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1882In name of L. TonnLittle Butte Creek Adjudication, Vol. 14, page 526
order for T-3600App. No. _____ Per. No. _____ Cert. No. 17220

Certificate cancelled _____

Notation made on record by _____
7-1-91VES

FEES PAID

Date	Amount	Receipt No.
<u>6-9-78</u>	<u>35-</u>	<u>3632</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Surveyed 10/7/85retransfer of T-3600CARD FOR C. DEC 26 1979T-6051

W.R.I.S.

Assembled 6-12-83 by sd

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

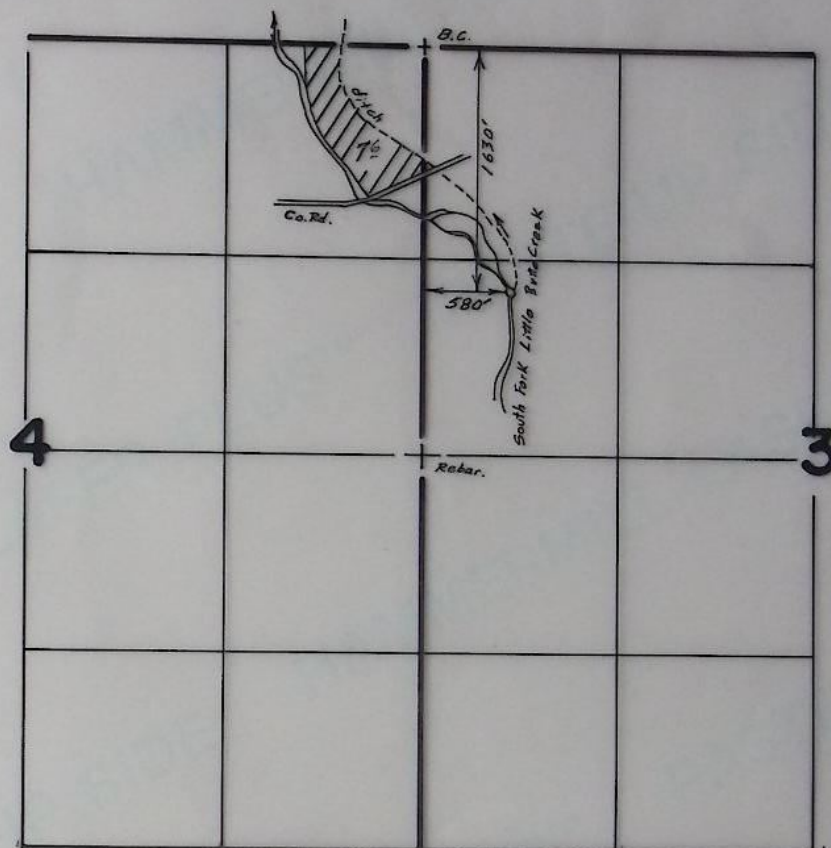
Entered

Checked

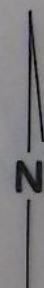
✓	Name	<u>lg</u>	_____
✓	Stream	<u>lg</u>	_____
✓	Pt. of Div.	_____	_____
✓	Calendar	<u>lg</u>	_____
✓	CHECKED TO RECORD:		
✓	Twp. & Rge.	<u>suc</u>	_____
✓	Decree-vault	<u>wjo</u>	<u>lg</u>
✓	Decree-safe	<u>lg</u>	_____
✓	Cert. of W/R	<u>wjo</u>	_____
✓	Trans. Folder	<u>wjo</u>	_____
_____	Chainindex	_____	_____
_____	Cross Ref.	_____	_____
_____	Power Claim	_____	_____
✓	Abstracts	<u>lg</u>	_____

TO BE ENTERED WHERE CHECKED

T. 37 S., R. 2 E., W. M.



Scale 1" = 1320'



FINAL PROOF SURVEY UNDER

Transfer No. 3970

Application No. Permit No.
IN NAME OF

..... A. E. BROWN

Surveyed Oct. 7, 1985, by B.S. JAMES

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF A. E. BROWN FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
WATER)

ORDER APPROVING
TRANSFER NO. 3970

On June 9, 1978, an application was filed in the office of the Water Resources Director by A. E. Brown for approval of a change in point of diversion from South Fork Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the Water Resources Director, entered September 12, 1977, approving transfer application No. 3600, the right previously described by the certificate recorded at page 17220, Volume 4, State Record of Water Right Certificates, now exists for the appropriation of water from South Fork Little Butte Creek, including the use of not to exceed 0.3 cubic foot per second for irrigation of a certain 12.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 37 South, Range 2 East, W.M., with a date of priority of 1882.

The authorized point of diversion for the irrigation of the lands above described is located 910 feet South and 420 feet West from the Northeast Corner of Section 4, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 37 South, Range 2 East, 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 1090 feet South and 430 feet East from the Northeast Corner of Section 4, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 37 South, Range 2 East, W.M. (Tonn & Peck Ditch).

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 original point of

diversion under the subject right, located 2324 feet South and 870 feet East from the Northwest Corner of Section 3, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 37 South, Range 2 East, W.M., and shall not exceed 0.3 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:

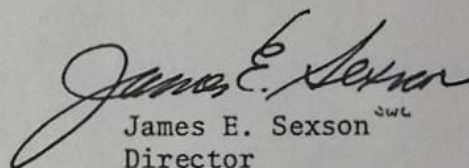
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 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 19th day of June, 1978.


James E. Sexson
Director

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

L. TOON
LAKE CREEK, OREGON 97524

confirms the right to use the waters of SOUTH FORK LITTLE BUTTE CREEK, a tributary of LITTLE BUTTE CREEK, for IRRIGATION OF 3.6 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 14, at Page 498. The date of priority is 1882.

The use is limited to 0.09 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source, from April 1 to October 1 of each year.

The point of diversion is located as follows:

SW 1/4 NW 1/4, SECTION 3, T 37 S, R 2 E, W.M.; 1630 FEET SOUTH AND 580 FEET EAST FROM THE NW CORNER OF SECTION 3.

A description of the place of use to which this right is appurtenant is as follows:

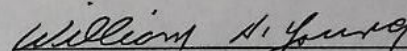
NE 1/4 NE 1/4 3.6 ACRES
SECTION 4
TOWNSHIP 37 SOUTH, RANGE 2 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 17220, State Record of Water Right Certificates, as modified by an order entered June 18, 1978 approving transfer 3970, NOT modified by the provisions of an order of the Water Resources Director entered November 12, 1991, approving Transfer Application 6051, and NOT canceled by the provisions of an order of the Water Resources Director entered on November 12, 1991.

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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed
NOVEMBER 12, 1991.


William H. Young

Recorded in State Record of Water Right Certificates numbered 66855.

T-6051.LHN

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 6051 submitted by

FRANK L. BROWN
5260 LOST CREEK ROAD
EAGLE POINT, OREGON 97524.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County as evidenced by a PORTION of Certificate 17220, as modified by an order entered June 19, 1978. The decree is recorded in the Order Record of the Water Resources Director in Volume 14, at Page 498. The date of priority is 1904.

The right allows the use of SOUTH FORK LITTLE BUTTE CREEK, a tributary of LITTLE BUTTE CREEK, for IRRIGATION OF 4.0 ACRES. This right is limited to 0.10 cubic foot per second, if available at the authorized point of diversion: SW 1/4 NW 1/4, SECTION 3, T 37 S, R 2 E, W.M.; 1630 FEET SOUTH AND 580 FEET EAST FROM THE NW CORNER OF SECTION 3, or its equivalent in case of rotation, measured at the point of diversion from the source, from April 1 to October 1 of each year.

The authorized place of use is located as follows:

NE 1/4 NE 1/4 4.0 ACRES
SECTION 4
TOWNSHIP 37 SOUTH, RANGE 2 EAST, W.M.

The applicant proposes to change the place of use to:

NE 1/4 NE 1/4 4.0 ACRES
SECTION 4
TOWNSHIP 37 SOUTH, RANGE 2 EAST, W.M.

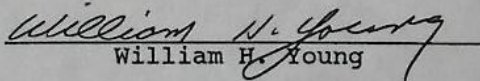
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1992.
2. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 17220 has been cancelled. A new certificate will be issued to confirm that portion of the right modified by an order entered June 19, 1978, approving transfer 3970 and NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed NOVEMBER 12, 1991.


William H. Young

Recorded in Special Order Records at Volume 45, Page 464.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF L. TOON)

O R D E R

An affidavit was received from FRANK L. BROWN, the owner of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 17220, State Record of Water Right Certificates. The abandoned water right is for the use of 0.11 cubic foot per second from South Fork Little Butte Creek, a tributary of Little Butte Creek. The date of priority is 1904. The abandoned water right is for irrigation of 4.4 acres.

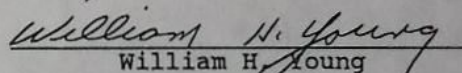
A description of the place of use of the abandoned right is as follows:

NE 1/4 NE 1/4 4.4 ACRES
SECTION 4
TOWNSHIP 37 SOUTH, RANGE 2 EAST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

NOW, THEREFORE, it is ORDERED that the portion of the water right described herein is canceled. Certificate 17220 has been canceled. A new certificate will be issued for that portion of the water right NOT involved in this proceeding.

WITNESS the signature of the Water Resources Director, affixed NOVEMBER 12, 1991.


William H. Young

Recorded in Special Order Volume 45, Page 465.