

Name George T. & or Elsie N. McDonald

4014

By _____
Address 4280 So. F. Little Butte Cr. Rd.

DESCRIPTION OF WATER RIGHT

FEES PAID

Name of stream S. F. Little Butte Creek

Date	Amount	Receipt No.
<u>8-4-78</u>	<u>95-</u> <u><2.00></u>	<u>5262</u>

Trib. of _____ County of Jackson

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority Mar. 7, 1918

In name of Mike Hanley

_____ Adjudication, Vol. _____, page _____

App. No. 6016 Per. No. 3727 Cert. No. 4785

Certificate cancelled _____

Notation made on record by _____

TOTAL . . .

<u>9-27-78</u>	<u>\$2 Cert. Fee</u>	<u>Trans. fr. 5262</u>
<u>Medford Mail Tribune #32.38 pd 9-29-78 Ok #2628</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>9-29-78</u>	<u>15⁶²</u>	<u>2629</u>

EX 20-
POU 10-
POD 15-
CERT 2-
PON 32⁸⁸
79⁸⁸

Change in POU, POD

Date filed Aug 4, 1978

Date of hearing Oct. 4, 1978

Place of hearing Medford

Date of order 10-11-78 Vol. 31, page 314

Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued NOV 2 1978 Vol. 39, page 46779

APR 19 1984 Vol. 46, page 51979

to survey 11/80

REMARKS

CARD FOR C NOV 4 1980

W.R.I.S.

Assembled 6-17-985 by SRJ

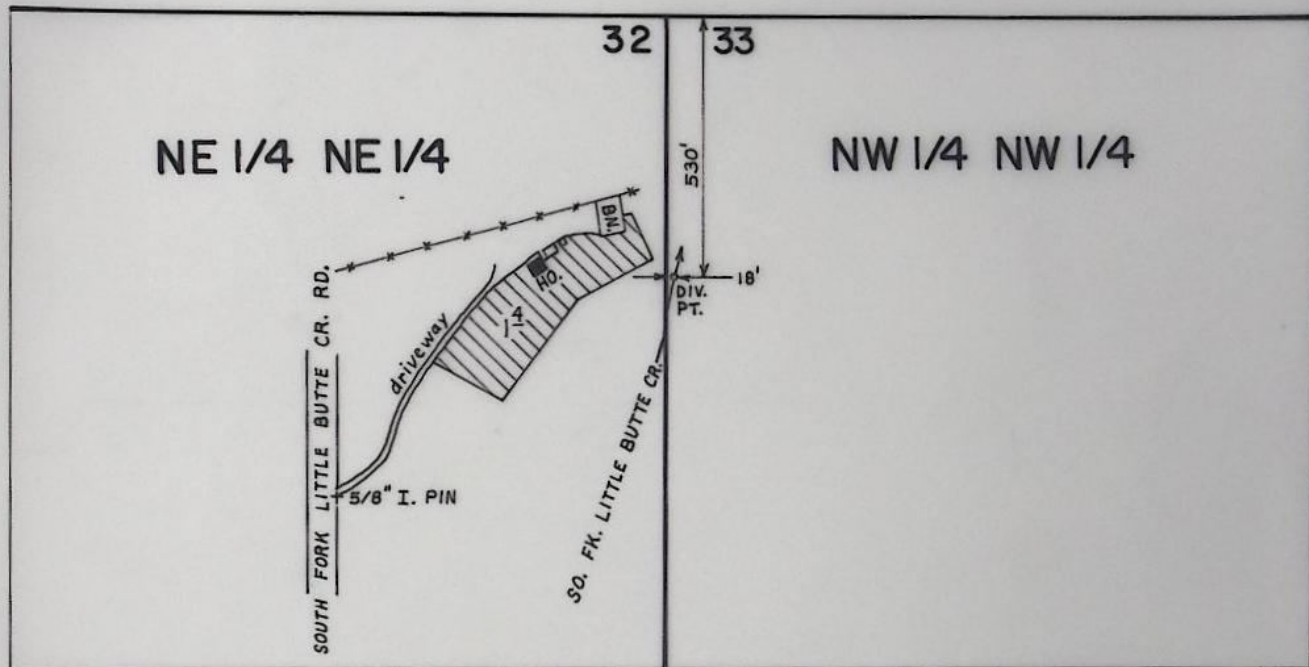
Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
☒ Name	<u>lgj</u>	_____
☒ Stream	<u>lgj</u>	_____
☒ Pl. of Div.	<u>lgj</u>	_____
☒ Calendar	<u>lgj</u>	_____
☒ Twp. & Rge.	<u>lgj</u>	_____
☒ Decree-vault	<u>lgj</u>	_____
☒ Decree-sale	<u>lgj</u>	_____
☒ Cert. of W. R.	<u>lgj</u>	_____
☒ Per. Folder	<u>lgj</u>	_____
☒ Chain-index	<u>lgj</u>	_____
☒ Cross Ref.	_____	_____
☒ Power Claim	_____	_____
☒ Abstracts	_____	_____

522

T.36S., R.2E., W.M.



SCALE: 1" = 400'

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 4014

Application No. Permit No.
IN NAME OF

GEORGE T. &/or ELSIE N. McDONALD.

Surveyed JULY 29 1982, by BRUCE R. SUND.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
GEORGE T. & ELSIE N. McDONALD FOR)
APPROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4014

On August 4, 1978, an application was filed in the office of the Water Resources Director by George T. and Elsie N. McDonald for approval of changes in place of use and point of diversion from South Fork Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4785, Volume 5, State Record of Water Right Certificates, in the name of Mike Hanley, describes a right which includes the use of not to exceed 0.02 cubic foot per second from South Fork Little Butte Creek, for irrigation of 1.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 36 South, Range 2 East, W.M., with a date of priority of March 7, 1918.

The authorized point of diversion of record for said right is located South 79 degrees 45 minutes East, 2045 feet from the West Quarter Corner of Section 33, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 36 South, Range 2 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 1.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 36 South, Range 2 East, W.M., from a point of diversion located 540 feet South and 25 feet East from the Northwest Corner of Section 33, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 36 South, Range 2 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of August 10, 17 and 24, 1978.

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.

U3/P314

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as herein described, 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.

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:

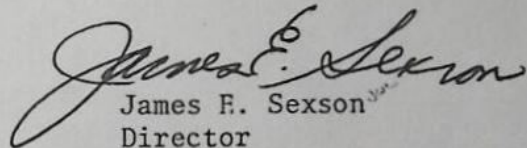
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 4785, Volume 5, 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 11th day of October, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF JACKSON.

CERTIFICATE OF WATER RIGHT

This is to Certify, That George T. &/or Elsie N. Macdonald
4280 South Fork Little Butte Creek Rd., State of Oregon, has made proof
 of Medford, Eagle Point, to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
SOUTH FORK OF LITTLE BUTTE CREEK, a tributary of ROGUE RIVER, for the purpose of irrigation of 14
 under Permit No. 5727 of the State Engineer, and that said right to the use of said waters
 has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
 confirmed dates from March 7, 1918;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.2 of a cubic foot per second;

The use hereunder for irrigation shall conform to such reasonable rotation system as may be
 ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other
 right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per
 acre, or its equivalent in case of rotation. 4 1/2 a. f.

A description of the lands irrigated under the right hereby confirmed, and to which such
 right is appurtenant (or, if for other purposes, the place where the water is put to beneficial
 use), is as follows:

Five acres in the Southeast quarter of Northwest Quarter; eight and five-
tenths acres in the Southwest quarter of Northwest quarter; and one and five-
tenths acres in the Northwest quarter of Northwest quarter of Section Thirty-
three, Township Thirty-six South of Range Two East of Willamette Meridian, in
Jackson County, Oregon.

14 acres NE 1/4 NE 1/4
4.5 acres in NW 1/4 NW 1/4
8.5 acres in SW 1/4 NW 1/4
5.0 acres in SE 1/4 NW 1/4
Section 32

Township 36 S., R 2 E., W.M.

This certificate is issued to confirm a change in place of use and point of
 diversion approved by an order of the Water Resources Director
 entered October 11, 1978 and together with certificate of water right
 recorded at page 46779, Volume 39, State Record of Water
 Right Certificates, supersedes certificate 4785.

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.

Rights to the use of water for power purposes are limited to a period of forty years from
 the date of priority of the right, as herein set forth, subject to a preference right of renewal under
 the laws existing at the date of the expiration of the right for power purposes, as hereby con-
 firmed and limited.

WITNESS the signature of the State Engineer,

affixed this 6th day
 of September, 1978.

RHEA LUPER State Engineer.

Recorded in State Record of Water Right Certificates, Volume 5, page 4785.

51779

T# 4014

1307C

This certificate is
certified to be
correct and
true by the
Director and
Commissioner of
the State of
California.

Witness my hand and the seal of the State of California at the City of San Francisco, this 1st day of January, 1900.

16,000
100
160,000

180 38
142
105 37

$$1m^2 = 160000 ft^2$$

STATE OF OREGON

COUNTY OF JACKSON.

CERTIFICATE OF WATER RIGHT

This is to Certify, That MIKE HANLEY,

of Medford, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
SOUTH FORK OF LITTLE BUTTE CREEK,
a tributary of ROGUE RIVER, for the purpose of irrigation of 13.5 acres,
under Permit No. 3727 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from March 7, 1918;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.2 of a cubic foot per second;
0.18

The use hereunder for irrigation shall conform to such reasonable rotation system as may be
ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per
acre, or its equivalent in case of rotation. 4 1/2 a.f.

A description of the lands irrigated under the right hereby confirmed, and to which such
right is appurtenant (or, if for other purposes, the place where the water is put to beneficial
use), is as follows:

Five acres in the Southeast quarter of Northwest Quarter; eight and five-
tenths acres in the Southwest quarter of Northwest quarter; and one and five-
tenths acres in the Northwest quarter of Northwest quarter of Section Thirty-
three, Township Thirty-six South of Range Two East of Willamette Meridian, in
Jackson County, Oregon.

4.5 acres in NW 1/4 NW 1/4
8.5 acres in SW 1/4 NW 1/4
5.0 acres in SE 1/4 NW 1/4
Section 33

Township 36 S, R 2 E. W.M.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 4785, Volume 5, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on Oct 11, 1978, approving transfer application No. 4014.

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

The right to the use of the water for irrigation purposes is restricted to the lands or place of
use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from
the date of priority of the right, as herein set forth, subject to a preference right of renewal under
the laws existing at the date of the expiration of the right for power purposes, as hereby con-
firmed and limited.

WITNESS the signature of the State Engineer,

affixed this 6th day
of September, 1973.

RHEA LUPER State Engineer.

Recorded in State Record of Water Right Certificates, Volume 5, page 4785.

T # 4014

NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 4014

Notice is given hereby that an application has been filed in the office of the Water Resources Director by George T. & Elsie N. McDonald for approval of changes in place of use & point of diversion from South Fork Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4785, Volume 5, State Record of Water Right Certificates, in the name of Mike Hanley, describes a right which includes the use of not to exceed 0.02 cubic foot per second from S. Fk. Little Butte Cr. for irrigation of 1.5 ac in NW 1/4 NW 1/4 of Sec 33, T 36S, R 2E, WM, with a date of priority of Mar. 7, 1918.

The authorized point of diversion of record for said right is located S 79° 45 minutes E, 2045 ft from the W 1/4 Corner of Sec 33, being within the NE 1/4 SW 1/4 of Sec 33, T 36S, R 2E, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 1.5 ac in NE 1/4 NE 1/4 of Sec 32, T 36S, R 2E, WM, from a point of diversion located 540 ft S & 25 ft E from the NW Corner of Sec 33, being within the NW 1/4 NW 1/4 of Sec 33, T 36S, R 2E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon on October 4, 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 George T. & Elsie N. McDonald, 4280 S. Fk. Little Butte Cr. Rd, 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. Administrative rules pertaining to the filing of a hearing will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon this 7th day of August, 1978.

James E. Sexson
Director

Affidavit of Publication

State of Oregon,
County of Jackson

ss.

1. Lynn Smith, 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 Trans. #4014

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 Aug. 10, 17, 24, 1978

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

Lynn Smith
Subscribed and sworn to before me this 24th day of Aug., 1978

James J. Carlson
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981