

Name Kenneth J. Lemke
By _____
Address 9254 Butte Falls Hwy
Eagle Point, OR 97524

Change in POD

Date filed Aug 18, 1978

Date of hearing _____

Place of hearing _____

Date of order 9-5-78 Vol. 31, page 201

Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued OCT 20 1978 Vol. 39, page 46674
JAN 22 1987 51 55478

4027

DESCRIPTION OF WATER RIGHT

Name of stream Little Butte Creek

Trib. of _____ County of Jackson

Use _____

Quantity of water _____ No. of acres 0.25ac

Name of ditch _____

Date of priority 1908

In name of Fryer Ditch Assn. Tab in name of A.C. Mittelstaedt

Little Butte Creek Adjudication, Vol. 14, page 515 6344
(Tr. K-28)

App. No. _____ Per. No. _____ Cert. No. 45504

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-18-78</u>	<u>85-</u> <u>< 2.00 ></u>	<u>5574</u>
TOTAL . . .		
<u>9-27-78</u>	<u>2⁰⁰ Cert. Fee</u>	<u>Transferred from 5574</u>

FEES REFUNDED

Date	Amount	Check No.
<u>9-29-78</u>	<u>48⁰⁰</u>	<u>2619</u>
<u>EXAM 20⁰⁰</u>	<u>85⁰⁰</u>	
<u>POD 15⁰⁰</u>	<u>37⁰⁰</u>	
<u>Cert. Fee 2⁰⁰</u>	<u>48⁰⁰ - refund</u>	
	<u>37⁰⁰</u>	

REMARKS

CARD FOR C NOV 4 1980

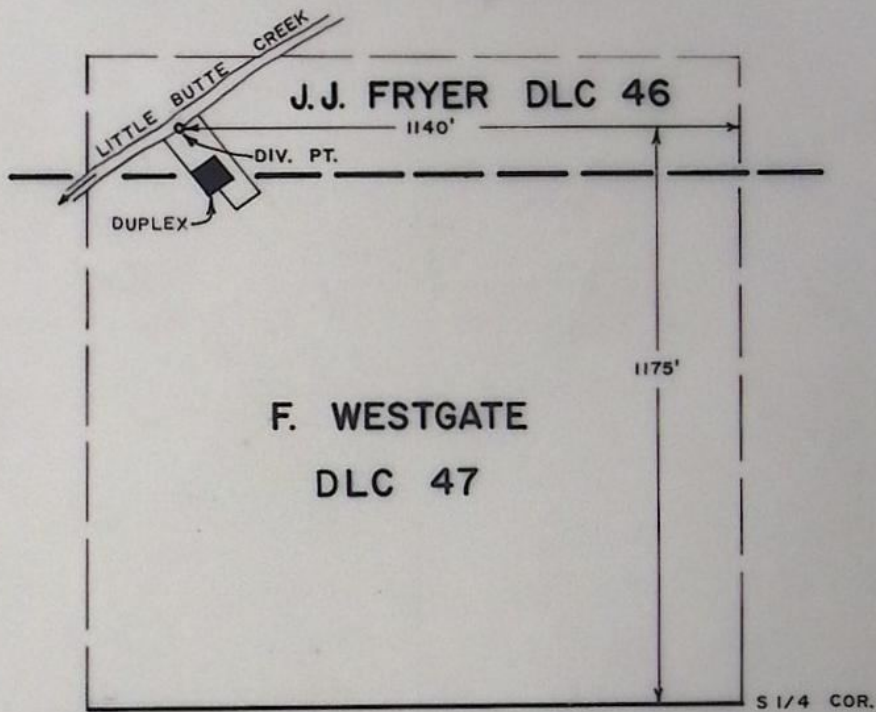
W.R.I.S.	
Assembled <u>6-18-85</u> by <u>SDA</u>	
Entered _____ by _____	
Verified _____ by _____	

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

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

SEC. 3

SE 1/4 SW 1/4



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 4027

Application No. Permit No.
IN NAME OF

.....Charles E. Kimmel.....

Surveyed AUG. 29. 1983., by ..B. SUZIE JAMES

SCALE: 1" = 400'

at
iBC

T 4027

JH

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **CHARLES E. KIMMEL**
FRYER DITCH ASSOCIATION

PO Box 562

of **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
the irrigation of **84.72 acres**
0.25

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 WATER RESOURCES DIRECTOR, in Volume **14**, at page **498**; that the priority of the
right thereby confirmed dates from **1908**

that the amount of water to which such right is entitled, for the purposes ~~above~~ and is limited to an
amount actually beneficially used for said purposes and shall not exceed **0.006** 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.

if available at the original point of diversion, dc, sec 3
T36S, RIW. WM, 220' N & 1615' W from SE cor, DC 46
The point of diversion is located on the

POD dc w/m J.J. Fryer DC 46 sec 3, T36S, RIW WM
1175' N & 1140' E from S 1/4 cor sec 3

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

DATE OF PRIORITY	QUANTITY OF WATER IN C.F.S.	NO. OF ACRES	PLACE OF USE
Jan. 31, 1870	0.24	10.49	Tract 3 - 0.70 acre SW 1/4 NE 1/4 and NW 1/4 SE 1/4 Tract 4 - 4.42 acres NE 1/4 SW 1/4 and NW 1/4 SE 1/4 Tract 5 - 0.50 acre NE 1/4 SW 1/4 Tract 6 - 0.25 acre SW 1/4 NE 1/4 and NW 1/4 SE 1/4 Tract 8 - 1.93 acres NE 1/4 SW 1/4 Tract 9 - 0.05 acre NE 1/4 SW 1/4 Tract 10 - 0.25 acre SW 1/4 NE 1/4 and NW 1/4 SE 1/4 Tract 11 - 0.70 acre SW 1/4 NE 1/4 and NW 1/4 SE 1/4 Tract 12 - 0.23 acre SW 1/4 NE 1/4 Tract 13 - 0.46 acre SW 1/4 NE 1/4 Tract 14 - 0.20 acre SW 1/4 NE 1/4
	0.24	9.65	Tract 16 - 9.65 acres SE 1/4 SW 1/4

0.25 acre dc
sec 3
T36S RIW WM

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
Sept 5 1978 and together with certificate of water right recorded on page
46674, Volume 39, SRWRC supersedes certificate of water right recorded on

45504 page **44504**, Volume **39**, SRWRC.

The issuance etc

8120D

DATE OF PRIORITY	QUANTITY OF WATER IN C.F.S.	NO. OF ACRES	PLACE OF USE
Jan. 31, 1870	0.3	12.0	Tract 28- 1.00 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$, Tract 29- 2.00 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$, Tract 30- 9.00 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$
	0.04	1.3	Tract 31- 0.40 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.70 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.20 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$
	0.13	5.0	Tract 32- 5.00 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
	0.12	4.6	Tracts 33- 4.60 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$, thru 37 NW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$
	0.01	0.54	Tract 38: now Block 2, Fryer's Addition to Eagle Point more explicitly described as 0.32 acre with- in Lots 1 & 2 and adjacent portion of 9th St., Block 2, Fryer's Addition to Eagle Point, appurtenant to: 0.14 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.18 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.22 acre within Lot 3 and adjoining portion of alley along northwesterly edge, Block 2, Fryer's Addition to Eagle Point, appurtenant to: 0.03 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.19 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$
	0.03	1.0	Tract 39- 1.00 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3
1885	0.08	3.0	Tract 1 - 3.00 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$, and Section 2 Tract 2 and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3
1907	0.13	5.0	Tracts 19- 5.00 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, thru 27
1908	0.46	18.5	Tract 16-13.00 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Tract 17- 2.00 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$, 3.50 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
	0.05	2.0	Tract 30- 2.00 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
	0.29	11.64	Tracts 41- 0.22 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$, thru 47 2.00 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 49 0.40 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.50 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.15 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.50 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.47 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.80 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.40 acre SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.20 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 3
T. 36 S., R. 1 W., W.M.

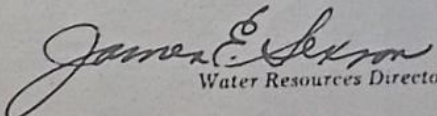
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 29579, Volume 21, State Record of Water Right Certificates, NOT modified by the provisions of orders of the Water Resources Director entered on February 23, 1966, approving transfer application No. K-44, entered on May 6, 1966, approving transfer application No. D-116, entered on May 6, 1966, approving transfer application No. D-119, entered on October 6, 1966 approving transfer application No. M-166, entered on September 18, 1972, approving transfer application No. 2543, and entered on March 23, 1973, approving transfer application No. 2725.

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 Water Resources Director, affixed

this date May 1, 1978 .


Water Resources Director

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

FRYER DITCH ASSOCIATION

of 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
the irrigation of ~~84.72~~ ^{84.47} acres

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 WATER RESOURCES DIRECTOR, in Volume 14, at page 498; that the priority of the right thereby confirmed dates from SEE BELOW

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 ~~2.12~~ ^{2.14} cubic feet 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

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

DATE OF PRIORITY	QUANTITY OF WATER IN C.F.S.	NO. OF ACRES	PLACE OF USE
Jan. 31, 1870	0.24	10.49	Tract 3 - 0.70 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7
			Tract 4 - 4.42 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7
			Tract 5 - 0.50 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓
			Tract 6 - 0.25 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ✓
			Tract 8 - 1.93 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓
			Tract 9 - 0.85 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓
			Tract 10- 0.25 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ✓
			Tract 11- 0.70 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ✓
			Tract 12- 0.23 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ ✓
			Tract 13- 0.46 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ ✓
			Tract 14- 0.20 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ ✓
	0.24	9.65	Tract 16- 9.65 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7

DATE OF PRIORITY	QUANTITY OF WATER IN C.F.S.	NO. OF ACRES	PLACE OF USE
Jan. 31, 1870	0.3	12.0	Tract 28- 1.00 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$ Tract 29- 2.00 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ Tract 30- 9.00 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$
	0.04	1.3	Tract 31- 0.40 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.70 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.20 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$
	0.13	5.0	Tract 32- 5.00 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
	0.12	4.6	Tracts 33- 4.60 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ thru 37 NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$
	0.01	0.54	Tract 38: now Block 2, Fryer's Addition to Eagle Point more explicitly described as 0.32 acre with- in Lots 1 & 2 and adjacent portion of 9th St., Block 2, Fryer's Addition to Eagle Point, appurtenant to: 0.14 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.18 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.22 acre within Lot 3 and adjoining portion of alley along northwesterly edge, Block 2, Fryer's Addition to Eagle Point, appurtenant to: 0.03 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.19 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$
	0.03	1.0	Tract 39- 1.00 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3
1885	0.08	3.0	Tract 1 - 3.00 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ and Section 2 Tract 2 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3
1907	0.13	5.0	Tracts 19- 5.00 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ thru 27
1908	0.46 0.454	18.5 18.75	Tract 16- 13.00 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Tract 17- 2.00 1.75 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.50 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
	0.05	2.0	Tract 30- 2.00 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
	0.29	11.64	Tracts 41- 0.22 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ thru 47 2.00 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 49 0.40 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.50 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.15 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.50 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.47 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.80 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.40 acre SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.20 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 3
T. 36 S., R. 1 W., W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 45504, Volume 38, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Sept 5, 1978, approving transfer application No. 4027.

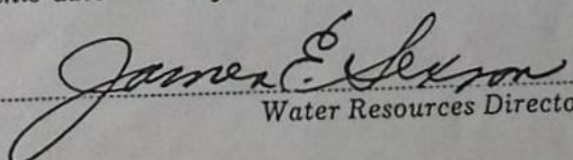
The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

~~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 Water Resources Director, affixed

this date May 1, 1978.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 38, page 45504

C-46674

T#4027

14-450

29579

15-67, 70

15-268

22-213

720 N

1220 W

E $\frac{1}{4}$ cor Sec 3

SENE 3

T365

RIW

120 N

1125 E

SW 35

SWSW 35

353

1W

9-414

10-478

10-552

11-171

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF KENNETH J. LEMKE FOR APPROVAL)
OF A CHANGE IN POINT OF DIVER-)
SION OF WATER)

ORDER APPROVING
TRANSFER NO. 4027

On August 18, 1978, an application was filed in the office of the Water Resources Director by Kenneth J. Lemke 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 45504, Volume 38, State Record of Water Right Certificates, in the name of Fryer Ditch Association, describes a right which includes the use of not to exceed 0.006 cubic foot per second from Little Butte Creek for irrigation of 0.25 acre, being a part of Tract No. 17, in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of 1908.

The authorized point of diversion of record for said right is located 220 feet North and 1615 feet West from the Southeast Corner of D.L.C. No. 46, being within the SE $\frac{1}{4}$ 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 100 feet North and 1815 feet West from the Southeast Corner of D.L.C. No. 46, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M.

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 located 120 feet North and 1125 feet East from the Southwest Corner of Section 35, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 35 South,

Range 1 West, W.M., under the subject right, and shall not exceed 0.006 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:

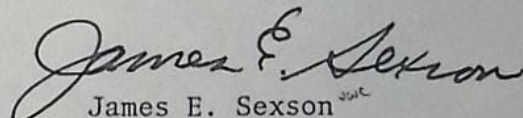
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1980.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Fryer Ditch Association and recorded at page 45504, Volume 38, 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 5th day of September, 1978.


James E. Sexson
Director

120
U31, P202

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF CHARLES E. KIMMEL FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM LITTLE)
BUTTE CREEK.)

ORDER

APPROVING APPLICATION

K-28

On April 26, 1960, Charles E. Kimmel of Route 1, Box 226, Eagle Point, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Jackson County, Oregon, entered August 15, 1949, in the matter of the determination of the relative rights to the use of the water of Little Butte Creek and its tributaries, a water right was established in the name of Fryer Ditch Association for the irrigation of, among other lands, 3.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W. M., from Little Butte Creek with a date of priority of 1908, tabulated under the name of A. C. Mittelstaedt. These lands are irrigated through the Fryer ditch, the point of diversion of said ditch being located 120 feet North and 1125 feet East from the southwest corner of Section 35, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 35, Township 35 South, Range 1 West, W. M.

The applicant herein, owner of the land above described, proposes to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be located 220 feet North and 1615 feet West from the southeast corner of Donation Land Claim No. 46, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W. M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on June 28, 1960, beginning

at 9:00 a. m. The notice 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 2, 9 and 16, 1960. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. David C. Hendrix, Watermaster of District No. 15, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Little Butte Creek, to-wit:

From a point located 120 feet North and 1125 feet East from the southwest corner of Section 35, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 35, Township 35 South, Range 1 West, W. M.

To a point to be located 220 feet North and 1615 feet West from the southeast corner of Donation Land Claim No. 46, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W. M.

for the irrigation of 3.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W. M., with a date of priority of 1908, be and the same is approved.

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, 1961, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

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 pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Jackson County, Oregon, before the beginning of construction work, and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 3rd day of August, 1960.

/s/ LEWIS A. STANLEY
State Engineer