

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF RALPH DANIEL FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM LITTLE BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 2543

On July 19, 1971, Ralph Daniel filed an application in the office of the State Engineer for 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 Waters of Little Butte Creek and Its Tributaries, a water right was established in the name of Fryer Ditch Association for the use of the waters of Little Butte Creek for the irrigation of, among other lands, 0.35 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Tract 3, Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of January 31, 1870 tabulated in the name of Gladius F. Pearce. These lands are irrigated from a point of diversion located 720 feet North and 1220 feet West from the East $\frac{1}{4}$ corner of Section 3, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point located 250 feet South and 2250 feet West from the East $\frac{1}{4}$ corner of Section 3, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 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 to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Jackson County, Oregon, on

January 4, 1972, at 9:30 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 November 8, 15 and 22, 1971. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David Hendrix, Watermaster of District No. 13, has filed a report 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 proposed change in point of diversion of water from Little Butte Creek, to-wit:

From a point located 720 feet North and 1220 feet West from the East $\frac{1}{4}$ corner of Section 3, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M.

To a point to be located 250 feet South and 2250 feet West from the East $\frac{1}{4}$ corner of Section 3, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M.

for the irrigation of 0.35 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Tract 3, Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of January 31, 1870, 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, 1972.

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, and shall not exceed 0.009 cubic feet of water per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

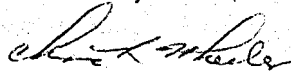
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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.

The certificate of water right heretofore issued to Fryer Ditch Association and recorded at page 29579, Volume 21, State Record of Water Right Certificates has been canceled in prior orders of the State Engineer.

It is FURTHER ORDERED that a new certificate be issued covering the balance of the lands not involved in this proceeding and excluding lands involved in changes approved by orders of the State Engineer entered February 23, 1966, May 6, 1966, and October 6, 1966, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate shall be issued to Ralph Daniel confirming the change in point of diversion.

Dated at Salem, Oregon, this 18th day of September, 1972.



CHRIS L. WHEELER
State Engineer