

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }
OF TIMOTHENS J. HORN FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM LITTLE }
BUTTE CREEK }

ORDER APPROVING
TRANSFER NO. 3049

On May 20, 1974, Timothens J. Horn filed an application in the office of the Water Resources Director 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.

Certificate of water right issued to I. R. and Luella D. Kline and recorded at Page 15251, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.65 cubic foot per second of water from Little Butte Creek for the irrigation of, among other lands, 24.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Township 36 South, Range 1 West, W.M., with a date of priority of January 31, 1940. These lands are irrigated from a point of diversion located 1190 feet South and 380 feet West from the North quarter-corner of Section 8, Being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, 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 of diversion to be located 600 feet North and 1430 feet East from the West quarter-corner of Section 8, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 36 South, Range 1 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

Mr. David C. Hendrix, Watermaster of District No. 13, 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 may be made without injury to existing rights, the application should be approved.

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

From a point located 1190 feet South and 380 feet West from the North quarter-corner of Section 8, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 36 South, Range 1 West, W.M.

To a point to be located 600 feet North and 1430 feet East from the West quarter-corner of Section 8, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 36 South, Range 1 West, W.M.

for the irrigation of 24.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Township 36 South, Range 1 West, W.M., with a date of priority of January 31, 1940, 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, 1976.

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 0.30 cubic feet per second.

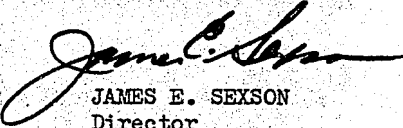
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

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 certificate of water right heretofore issued to I. R. and Luella D. Kline and recorded at Page 15251, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion a certificate of water right shall be issued to Timothens J. Horn confirming the change in point of diversion.

Dated at Salem, Oregon, this 5th day of December, 1975.


JAMES E. SEXSON
Director