

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

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

ORDER APPROVING
TRANSFER NO. C-171

On June 24, 1966, Dorothy Charley 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 Waters of Little Butte Creek and its Tributaries, a water right was established in the name of Nicholas Young for the use of the waters of Little Butte Creek for the irrigation of, among other lands, 2.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 36 South, Range 1 West, W.M., tabulated in the name of Clara Young, heir of Nicholas Young, with a date of priority of 1899. This right was confirmed by certificate recorded at page 17228, Volume 14, State Record of Water Right Certificates. This land is irrigated through the Young & Britt Ditch, the point of diversion being located 540 feet north and 817 feet east from the SW corner of Section 3, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M.

The applicant herein, contract purchaser of the lands above described, proposes to irrigate said lands by means of a pump, the point of diversion to be located 150 feet south and 1560 feet west from the NE corner of Section 9, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 36 South, Range 1 West, W.M.

The Oregon Bank, Rogue Valley Branch, owner of record of the lands for which it is proposed to transfer the point of diversion, has submitted

written approval to the proposed change in point of diversion of water.

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 September 14, 1966, 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 July 22, 29, and August 5, 1966. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 of water 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, to-wit:

From a point located 540 feet north and 817 feet east
from the SW corner of Section 3, being within the
SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M.

To a point located 150 feet south and 1560 feet west
from the NE corner of Section 9, being within the
NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 36 South, Range 1 West, W.M.

for the irrigation of 2.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 36 South, Range 1 West, W.M., with a date of priority of 1899, 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, 1967.

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, and shall not exceed 0.04 cubic foot per second of water during the irrigation season.

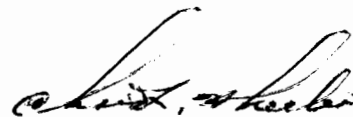
It is FURTHER ORDERED that the following provision shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include 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 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 certificate of water right heretofore issued to Nicholas Young and recorded at page 17228, Volume 14, 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 also confirming other changes, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion of water, a certificate of water right shall be issued to Dorothy Charley confirming said change in point of diversion of water.

Dated at Salem, Oregon, this 15th day of September, 1966.



CHRIS L. WHEELER
State Engineer