

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
PHYLLIS POPE FOR APPROVAL OF CHANGES) ORDER APPROVING
IN PLACE OF USE AND POINT OF) TRANSFER 5858
DIVERSION OF WATER)

On September 25, 1986, an application was filed in the office of the Water Resources Director by Phyllis Pope for approval of changes in place of use and point of diversion of water from South Fork 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 Mrs. Ora E. Jones, tabulated in Volume 14, page 520, Order Record of the Water Resources Director, for use of not to exceed 0.02 cubic foot per second from South Fork Little Butte Creek for irrigation of, among other lands, a certain 1.0 acre in SE 1/4 SW 1/4, Section 3, Township 37 South, Range 2 East, WM, with a date of priority of 1885, as evidenced by the certificate recorded at page 45051, Volume 37, State Record of Water Right Certificates.

Water for the said right is diverted, through the Rangles and Ragsdale Ditch, from a point located 330 feet South and 680 feet West from the Northeast Corner of Section 10, being within the NE 1/4 NE 1/4 of Section 10, Township 37 South, Range 2 East, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom to irrigation of 1.0 acre in the SE 1/4 SW 1/4, Section 3, Township 37 South, Range 2 East, WM, and to change the point of diversion therefrom to a pump located 670 feet North and 250 feet West from the South Quarter Corner of Section 3, being within the SE 1/4 SW 1/4 of Section 3, Township 37 South, Range 2 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Daily Tidings, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of November 5, 12, and 19, 1986.

Bruce R. Sund, 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.

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in place of use and point of diversion are approved, without loss of priority.

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, and shall not exceed 0.02 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;

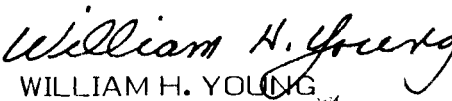
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 45051, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the right to divert water from the point described in Certificate 45051 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 45051, Volume 37, 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 27th day of January, 1987.


WILLIAM H. YOUNG
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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