

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF LOYD A. GEORGE FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM SOUTH FORK LITTLE)
BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. G-73

On July 11, 1967, Loyd A. George filed an application in the office of the State Engineer for the approval of a change in 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 of 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 C. R. Moore, which includes the use of the waters of South Fork, Little Butte Creek for the irrigation of, among other lands, 1.0 acre in the NW¼ NE¼, Section 18, Township 37 South, Range 3 East, W.M., with a date of priority of February, 1894. This right was confirmed by certificate recorded at page 17202, Volume 14, State Record of Water Right Certificates. These lands are irrigated by means of the Clagg Ditch, the point of diversion of said ditch being located south 77° 16' west 908 feet from the N¼ corner of Section 17, being within the NE¼ NW¼ of Section 17, Township 37 South, Range 3 East, W.M.

The applicant herein, owner of the land above described, proposes to irrigate said land from a point of diversion to be located south 71° 55' east 580 feet from the NW corner of the SW¼ NE¼ of Section 18, being within the SW¼ NE¼ of Section 18, Township 37 South, Range 3 East, 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 September 20, 1967, at 9:30 a.m. The notice was published in the Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of July 25, August 1 and 8, 1967. 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 may be made without injury to existing rights, the application should be approved.

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

From a point located south 77° 16' west 908 feet from the N $\frac{1}{4}$ corner of Section 17, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 37 South, Range 3 East, W.M.

To a point to be located south 71° 55' east 580 feet from the NW corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 37 South, Range 3 East, W.M.

for the irrigation of 1.0 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 37 South, Range 3 East, W.M., with a date of priority of February, 1894, 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, 1968.

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 0.02 cubic foot per second.

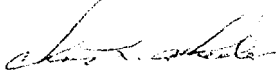
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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.

It is FURTHER ORDERED that certificate of water right heretofore issued to C. R. Moore and recorded at page 17202, 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 upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Loyd A. George confirming the change in point of diversion of water.

Dated at Salem, Oregon, this 3rd day of October, 1967.


CHRIS L. WHEELER
State Engineer