

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF TRANS-BAY CONSTRUCTION COMPANY )  
dba DOUBLE D RANCH FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM LITTLE )  
BUTTE CREEK )  
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ORDER APPROVING  
TRANSFER NO. T-70

On July 21, 1966, Trans-Bay Construction Company dba Double D Ranch 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 Emogene Charley for the use of the waters of Little Butte Creek for the irrigation of, among other lands, 2.5 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 10; 20.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and 2.5 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11; and 2.5 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 14, Township 36 South, Range 1 East, W.M., with a date of priority of 1895. This right is confirmed by certificate recorded at page 17172, Volume 14, State Record of Water Right Certificates.

These lands are irrigated from a point of diversion located 520 feet south and 3215 feet west from the NE $\frac{1}{4}$  corner of Section 13, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13, Township 36 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 40 feet south and 1960 feet east from the NW corner of Section 14, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, Township 36 South, Range 1 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 November 15, 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 September 22, 29, and October 6, 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 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 520 feet south and 3215 feet west from the E $\frac{1}{4}$  corner of Section 13, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13, Township 36 South, Range 1 East, W. M.

To a point to be located 40 feet south and 1960 feet east from the NW corner of Section 14, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, Township 36 South, Range 1 East, W.M.

for the irrigation of 2.5 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10; 20.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and 2.5 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11; and 2.5 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, Township 36 South, Range 1 East, w.M., with a date of priority of 1895, 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 available at the old point of diversion, and shall not exceed 0.69 cubic foot per second.

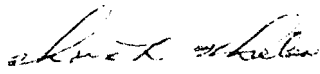
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 Emogene Charley and recorded at page 17172, 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 Trans-Bay Construction Company dba Double D Ranch confirming the change in point of diversion.

Dated at Salem, Oregon, this 21st day of November, 1966.

  
CHRIS L. WHEELER  
State Engineer