

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
GEORGE T. & ELSIE N. McDONALD FOR)
APPROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4014

On August 4, 1978, an application was filed in the office of the Water Resources Director by George T. and Elsie N. McDonald for approval of changes in place of use and point of diversion from South Fork Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4785, Volume 5, State Record of Water Right Certificates, in the name of Mike Hanley, describes a right which includes the use of not to exceed 0.02 cubic foot per second from South Fork Little Butte Creek, for irrigation of 1.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 36 South, Range 2 East, W.M., with a date of priority of March 7, 1918.

The authorized point of diversion of record for said right is located South 79 degrees 45 minutes East, 2045 feet from the West Quarter Corner of Section 33, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 36 South, Range 2 East, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 1.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 36 South, Range 2 East, W.M., from a point of diversion located 540 feet South and 25 feet East from the Northwest Corner of Section 33, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 36 South, Range 2 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of August 10, 17 and 24, 1978.

Mr. David C. Hendrix, 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.

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

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.

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:

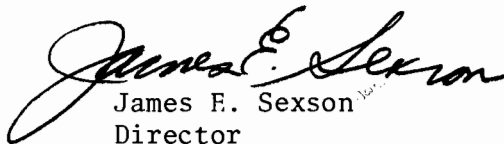
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 4785, Volume 5, 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 11th day of October, 1978.


James E. Sexson
Director