

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
CHARLIE E. HAYES FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5478

On May 4, 1984, an application was filed in the office of the Water Resources Director by Charlie E. Hayes for approval of changes in place of use and point of diversion of water from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 37368, Volume 29, State Record of Water Right Certificates, in the names of John V. Letha E. Collier, describes a right which includes the use of not to exceed 0.02 cubic foot per second from Little Butte Creek, for irrigation of a certain 1.0 acre in SW 1/4 SE 1/4, Tax Lot 1301, Section 36, Township 35 South, Range 1 West, WM, with a date of priority of 1883.

Water for the said right is diverted from a point located 290 feet North and 1025 feet East from the South Quarter Corner of Section 36, being within the SW 1/4 SE 1/4 of Section 36, Township 35 South, Range 1 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 475 feet North and 525 feet East from the South Quarter Corner of Section 36, being within the SW 1/4 SE 1/4 of Section 36, for irrigation of 1.0 acre in SW 1/4 SE 1/4, Tax Lot 1307, Section 36, Township 35 South, Range 1 West, WM.

Notice of the application, pursuant to ORS 540.520(2), 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 May 24, 31 and June 7, 1984.

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;

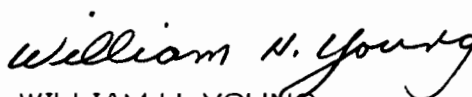
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1985.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1985.

It is FURTHER ORDERED that the certificate recorded at page 37368, Volume 29, 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 applicants herein.

Dated at Salem, Oregon this 16th day of July, 1984.


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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