

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF JOHNNY A. AND DOROTHY DODSON )  
FOR APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER 4649

On December 4, 1980, an application was filed in the office of the Water Resources Director by Johnny A. and Dorothy Dodson for 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 W.E. Gibson, tabulated in Volume 14, page 517, Order Record of the Water Resources Director, for use of the waters of Little Butte Creek for irrigation of, among other lands, a certain 15.0 acres in NE 1/4 SE 1/4 and 35.0 acres in NW 1/4 SE 1/4 of Section 4, Township 36 South, Range 1 East, WM, with a date of priority of 1874. The right to use of water for 9.4 acres in NW 1/4 SE 1/4 was transferred to 1.7 acres in SW 1/4 SE 1/4 and 7.7 acres in SE 1/4 SE 1/4 of said Section 4, as evidenced by the certificates recorded at page 35924, Volume 27, and page 41606, Volume 33, State Record of Water Right Certificates.

Water for the said right is diverted, through the Henry Brown Ditch, from a point located 810 feet North and 1,300 feet West from the South Quarter Corner of Section 11, being within the SE 1/4 SW 1/4 of Section 11, Township 36 South, Range 1 East, WM.

The applicants herein, owners of 4.0 acres in NE 1/4 SE 1/4 and 16.3 acres in NW 1/4 SE 1/4, both as confirmed by Certificate 35924; and 1.7 acres in SW 1/4 SE 1/4 and 7.7 acres in SE 1/4 SE 1/4, both as confirmed by Certificate 41606, propose to change the point of diversion for irrigation of said lands to a point located 1,030 feet North and 350 feet West from the Southeast Corner of Section 4, being within the SE 1/4 SE 1/4 of Section 4, Township 36 South, Range 1 East, WM.

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 December 23 and 30, 1980 and January 6, 1981.

David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old 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 0.60 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:

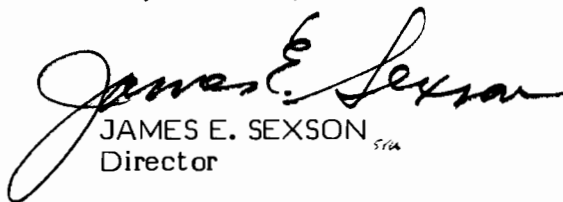
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1982.

It is FURTHER ORDERED that the certificates recorded at page 35924, Volume 27 and page 41606, Volume 33, State Record of Water Right Certificates, are canceled; and in lieu thereof a new certificate be issued covering the balance of the right described by certificate 35924 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, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 12th day of March, 1981.

  
JAMES E. SEXSON  
Director