

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
JOHN N. AND HARRIET M. WINTON FOR)
APPROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER FROM)
LITTLE BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 3602

On March 28, 1977, an application was filed in the office of the Water Resources Director by John N. and Harriet M. Winton for changes in place of use and point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 27966, Volume 20, State Record of Water Right Certificates, in the name of J. N. Winton, describes a right which includes the use of not to exceed 0.37 cubic foot per second from Little Butte Creek for irrigation of 21.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5; 0.2 acre in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 4.3 acres in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, Township 36 South, Range 1 West, W.M., with a date of priority of December 12, 1951.

Water for the said right is diverted from a point located 420 feet South and 300 feet East from the North quarter corner of Section 8, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 8, Township 36 South, Range 1 West, 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 a certain 1.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 29.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8, from a point of diversion located 600 feet North and 1430 feet East from the West quarter corner of Section 8, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 8.

Notice of the application, pursuant to ORS 540.510, 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 June 8, 15, and

22, 1977.

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.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion as described herein, 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, and shall not exceed 0.37 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 head-gates 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;

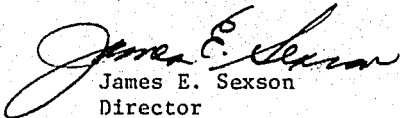
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to J. N. Winton and recorded at page 27966, Volume 20, 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 22nd day of September, 1977.


James E. Sexson
Director