

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF HELEN C. AND MARGARET A. DUGAN )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
LITTLE BUTTE CREEK. )  
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O R D E R

APPROVING APPLICATION

On March 24, 1958, Helen C. and Margaret A. Dugan of Route 1, Box 111, Eagle Point, Oregon, 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 T. C. Dugan, Heir of Nicholas Young, for the irrigation of 4 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 9, Township 36 South, Range 1 West, W. M., with a date of priority of 1899. These lands are irrigated through the Young and Britt ditch from Little Butte Creek, the point of diversion of said ditch being located 540 feet north and 817 feet east from the southwest corner of Section 3, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 3, Township 36 South, Range 1 West, W. M.

The applicants herein, owners of the land above described, propose to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be located 288 feet south and 46 feet east from the northwest corner of Section 9, and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 9, Township 36 South, Range 1 West, 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 May 22, 1958, beginning at 9:30

o'clock 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 March 28 and April 4 and 11, 1958. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David Hendrix, Watermaster of District No. 15, has filed a statement 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 of water 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 540 feet north and 817 feet east from the southwest corner of Section 3, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 3, Township 36 South, Range 1 West, W. M.,

To a point to be located 288 feet south and 46 feet east from the northwest corner of Section 9, and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 9, Township 36 South, Range 1 West, W. M.,

for the irrigation of 4 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 9, Township 36 South, Range 1 West, W. M., with a date of priority of 1899, be and the same 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, 1959 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

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 pumping plant and related 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 of Jackson County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 30th day of June 1958.

*Noted on Decree Vol. 14, p. 528*

*Also Cert. # 17228*

*Trsf. # D-75*

*Lewis A. Stanley*  
LEWIS A. STANLEY  
State Engineer