

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF ROY A. WIES AND BETTY R. WIES)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
LITTLE BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. W-124

On July 26, 1967, Roy A. Wies and Betty R. Wies 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 of 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 Earl Tucker, for the irrigation of, among other lands, 2.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 36 South, Range 1 East, W.M., with a date of priority of 1874. This right was confirmed by certificate recorded at page 17183, Volume 14, State Record of Water Right Certificates. These lands are irrigated through the Henry Brown Ditch, the point of diversion of said ditch being located 810 feet north and 1300 feet west from the S $\frac{1}{4}$ corner of Section 11 and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 11, Township 36 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion to be located 630 feet south and 1640 feet east from the W $\frac{1}{4}$ corner of Section 4, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 4, Township 36 South, Range 1 East, 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 November 16, 1967, at 9:30 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 September 20, 27, and October 4, 1967. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report 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 810 feet north and 1300 feet west from the S $\frac{1}{4}$ corner of Section 11, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 11, Township 36 South, Range 1 East, W.M.

To a point to be located 630 feet south and 1640 feet east from the W $\frac{1}{4}$ corner of Section 4, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 36 South, Range 1 East, W.M.

for the irrigation of 2.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 36 South, Range 1 East, W.M., with a date of priority of 1874, 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, 1968.

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, and shall not exceed 0.05 cubic foot per second of water during the irrigation season.

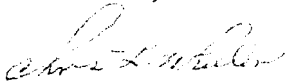
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in-line flow meter, 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 upon proof satisfactory to the State Engineer of completion of works and beneficial use of water to the extent intended under the provisions of this order the certificate of water right heretofore issued to Earl Tucker and recorded at page 17183, Volume 14, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to the applicant herein.

Dated at Salem, Oregon, this 27th day of December, 1967.


Chris L. Wheeler
State Engineer