

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF EAGLE POINT SCHOOL DISTRICT)
NO. 9 FOR THE APPROVAL OF A CHANGE)
IN POINT OF DIVERSION, PLACE OF USE)
AND CHARACTER OF USE OF WATER FROM)
LITTLE BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. E-51

On March 18, 1969, Eagle Point School District No. 9 filed an application in the office of the State Engineer for the approval of a change in point of diversion, place of use, and character of use of water from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Little Butte Irrigation Company and recorded at page 34845, Volume 26, State Record of Water Right Certificates, confirms a right to the use of 14.07 cubic feet per second of water from Little Butte Creek for, among other uses, 0.2 cubic foot per second of water for manufacturing including the floating of sawlogs in the NW¼ NE¼, Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of 1883. Water for this use is diverted through the Little Butte Irrigation Company Ditch from a point of diversion located 560 feet north and 2990 feet east from the SW corner of Section 31, Township 35 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, and having the right to the use of water for manufacturing, now proposes to change the use of this water from manufacturing purposes, including the floating of sawlogs, to that of irrigation of 5.7 acres in SW¼ NW¼, Section 2 and 4.3 acres in SE¼ NE¼, Section 3, Township 36 South, Range 1 West, W.M. and to irrigate these

lands from a point of diversion to be located 670 feet north and 190 feet west from the SE corner of DLC 45 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, 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, place of use, and character of use of water, if any there were, namely: at the county courthouse in Medford, Oregon, on August 6, 1969, 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 June 11, 18, and 25, 1969. 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, place of use, and character of use 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, place of use, and character of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use and character of use is approved and the use of 0.2 cubic foot per second of water hereinbefore described as being used for manufacturing including the floating of sawlogs in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of 1883, be severed therefrom and simultaneously and without loss of priority transferred to the irrigation of 5.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2 and 4.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Little Butte Creek, to-wit:

From a point located 560 feet north and 2990 feet east from the SW corner of Section 31 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 35 South, Range 1 East, W.M.

To a point to be located 670 feet north and 190 feet west from the SE corner of DLC 45 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M.

for the irrigation of 5.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2 and 4.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of 1883, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1970.

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 be limited to 0.2 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 headgates and measuring devices.

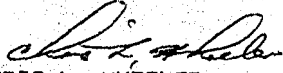
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 certificate of water right heretofore issued to Little Butte Irrigation Company and recorded at page 34845, Volume 26, State Record of Water Right Certificates,

is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, place of use, and character of use, a certificate of water right shall be issued to Eagle Point School District No. 9 confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 15th day of August, 1969.


CHRIS L. WHEELER
State Engineer