

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF W. A. AND WANDA WHITE FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM LITTLE)
BUTTE CREEK.)

O R D E R
APPROVING APPLICATION

On July 6, 1955, W. A. and Wanda White of Route 1, Box 110, Eagle Point, Oregon, filed an application 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 water of Little Butte Creek and its tributaries, a water right was adjudicated in the name of Nicholas Young for the irrigation of, among other lands, 12.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 36 South, Range 1 West, W. M., from Little Butte Creek with a date of priority of 1899. These lands are irrigated through the Young and Britt ditch, 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 8.1 acres of the lands above described, propose to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 570 feet south and 1050 feet west from the north quarter corner of Section 9, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 9, Township 36 South, Range 1 West, W. M.

Notice by publication as provided by ORS 540.520 was given in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks, being the issues of

July 15, 22 and 28, 1955. The time for hearing as fixed in the notice, namely: September 8, 1955, was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 15, has filed a report to the effect that the proposed change in point of diversion of water from Little Butte Creek 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 570 feet south and 1050 feet west from the north quarter corner of Section 9, and being within the $NE\frac{1}{4} NW\frac{1}{4}$, said Section 9, Township 36 South, Range 1 West, W. M.,

for the irrigation of 8.1 acres in the $NE\frac{1}{4} NW\frac{1}{4}$, Section 9, Township 36 South, Range 1 West, W. M., from Little Butte Creek with a date of priority of 1899 be and the same hereby 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, 1956 or within such extension of time as may be granted by the State Engineer for good cause shown.

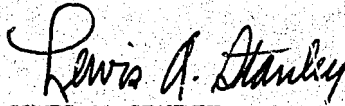
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

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 13th day of September 1955.



LEWIS A. STANLEY
State Engineer

Noted on Decree

Vol. 14, p. 528

Cert. 17228

File# W-69