

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF KENNETH G. AND CHARLOTTE M.)
WILLIAMS FOR THE APPROVAL OF A)
CHANGE IN POINT OF DIVERSION AND)
PLACE OF USE OF WATER FROM LITTLE)
BUTTE CREEK)
-----)

ORDER APPROVING
TRANSFER NO. W-148

On June 9, 1969, Kenneth G. and Charlotte M. Williams filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use 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 Little Butte Irrigation Company for the irrigation of, among other lands, 0.8 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of 1883. This right is evidenced by certificate recorded at page 34845, Volume 26, State Record of Water Right Certificates. These lands are irrigated by means of 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 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 35 South, Range 1 East, W.M.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 35 South, Range 1 West, W.M. and irrigate these lands from a point of

diversion to be located 240 feet north and 675 feet east from the SW $\frac{1}{4}$ corner of Section 36 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 35 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 and place of use of water, if any there were, namely: at the county courthouse in Medford, Oregon, on August 20, 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 23, 30, and July 7, 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 and place 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 and place 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 of water is approved and the water right hereinbefore described as appurtenant to 0.8 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 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 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 35 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 240 feet north and 675 feet east from the S $\frac{1}{4}$ corner of Section 36 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 35 South, Range 1 West, W.M.

for the irrigation of 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 35 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 0.016 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.

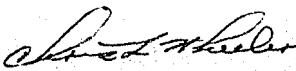
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

An order dated August 15, 1969, canceled certificate of water right recorded at page 34845, Volume 26, State Record of Water Right Certificates, and provided for a new certificate to include lands not involved in that proceeding.

It is FURTHER ORDERED that the lands herein described not be included in the certificate of water right as provided by the order entered August 15, 1969, and upon receipt of proof satisfactory

to the State Engineer of application of water to beneficial use authorized herein, a certificate of water right shall be issued to Kenneth G. and Charlotte M. Williams confirming the extent to which water has been applied beneficially and confirming the change in point of diversion.

Dated at Salem, Oregon, this 22nd day of August, 1969.


CHRIS L. WHEELER
State Engineer