

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF R. W. AND MARY E. VORIS, RON )  
AND BARBARA J. PITTS, EDWARD F. )  
AND OPAL V. HILL FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE OF )  
WATER FROM LITTLE BUTTE CREEK )  
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ORDER APPROVING  
TRANSEER NO. V-27

On February 14, 1966, R. W. and Mary E. Voris, Ron and Barbara J. Pitts, and Edward F. and Opal V. Hill filed an application in the office of the State Engineer for the approval of a change in 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, a water right was established in the name of Little Butte Irrigation Co. for the use of the waters of Little Butte Creek for the irrigation of, among other lands, 4.9 acres in the NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 34.4 acres in the NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> and 4.7 acres in the SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of 1883. These lands are irrigated from a point of diversion located 560 feet north and 2990 feet east from the SW corner of Section 31, being within the SW <sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 31, Township 35 South, Range 1 East, W.M. This right was confirmed by certificate of water right recorded at page 29368, Volume 21, State Record of Water Right Certificates.

The applicants herein, owners of the land above described, propose to transfer the water right therefrom without loss of priority to 4.8 acres in the SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> and 1.6 acres in the NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Section 34, 20.5 acres in the SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, and 4.7 acres in the NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Section 35, 3.5 acres in the SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> and 8.4 acres in the SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Section 36, all within Township 35 South, Range 1 West, W.M., and 0.5 acre in the NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Section 1, Township 36 South, Range 1 West, W.M.

Notice by publication as provided by O.S. 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water only.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in 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 place of use may be made without injury to existing rights, the application should be approved.

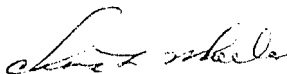
NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 4.9 acres in the NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 34.4 acres in the NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> and 4.7 acres in the SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, 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 4.8 acres in the SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> and 1.6 acres in the NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Section 34, 20.5 acres in the SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> and 4.7 acres in the NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Section 35, 5.5 acres in the SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> and 8.4 acres in the SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Section 36, Township 35 South, Range 1 West, W.M., and 0.5 acre in the NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 1, Township 36 South, Range 1 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1966.

It is FURTHER ORDERED that certificate of water right heretofore issued to Little Butte Irrigation Co. and recorded at page 29368, Volume 21, 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 place of use of water, a certificate

of water right shall be issued to Little Butte Irrigation Co. confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 7th day of March, 1966.



CHRIS L. WHEELER  
State Engineer