

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF EDWARD T. HARRISON, JR. FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4529

On June 2, 1980, an application was filed in the office of the Water Resources Director by Edward T. Harrison, Jr., for 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 Waters of Little Butte Creek and Its Tributaries, a Tributary of Rogue River, a water right was allowed in the name of I. L. Bradshaw for use of waters of Little Butte Creek for irrigation of: Tract No. 1 - 3.4 acres in SE 1/4 SW 1/4, 2.0 acres in SW 1/4 SE 1/4, Section 11; 9.0 acres in NE 1/4 NW 1/4, 6.1 acres in SE 1/4 NW 1/4, Section 14; and Tract No. 2 - 8.9 acres in NW 1/4 NE 1/4, 7.0 acres in SW 1/4 NE 1/4 and 5.7 acres in NE 1/4 NW 1/4, Section 14, all Township 36 South, Range 1 East, W.M., tabulated at Volume 14, page 513, with a date of priority of 1893 for Tract No. 1 and 1908 for Tract No. 2, as evidenced by certificate recorded at page 17166, Volume 14, State Record of Water Right Certificates.

By said Decree, a water right was allowed in the name of D. W. Meyers for use of waters of Little Butte Creek for irrigation of a certain 6.0 acres in SE 1/4 SW 1/4, Section 11, Township 36 South, Range 1 East, W.M., tabulated at Volume 14, page 522, with a date of priority of January 1893, as evidenced by certificate recorded at page 17203, Volume 14, State Record of Water Right Certificates.

The authorized point of diversion is located 520 feet South and 3215 feet West from the East Quarter Corner of Section 13, being within NE 1/4 SW 1/4, Section 13, Township 36 South, Range 1 East, W.M. (Lemon Charley Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 1150 feet South and 440 feet East from the North Quarter Corner, Section 14, being within NW 1/4 NE 1/4, Section 14, Township 36 South, Range 1 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of June 9, 16 and 23, 1980.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

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

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:

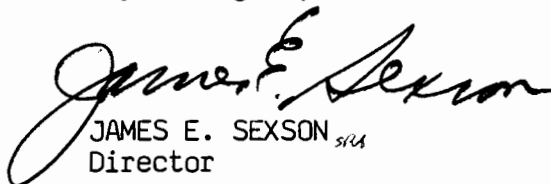
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1981.

.It is FURTHER ORDERED that the certificates recorded at pages 17166 and 17203, Volume 14, State Record of Water Right Certificates, are canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 1st day of August, 1980.


JAMES E. SEXSON *s/s*
Director