

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
 OF CLARENCE P. HENDERSON 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 26, 1960, Clarence P. Henderson of P. O. Box 291, Eagle Point, Oregon, filed an application in the office of the State Engineer 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 established in the name of Fryer Ditch Association for the irrigation of, among other lands, 12 acres as set forth in columns 1 through 5 inclusive, of the following tabulation, to-wit:

(1) No. of acres of water right	(2) Tract No.	(3) Sub- division	(4) Tabulated in name of	(5) Date of Priority	(6) No. of acres involved in change in pt. of diversion
1.0	28	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Fred Thompson	1/31/1870	0.39
9.0 (Part)	30	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Geo. Lewis	1/31/1870	1.71
2.0	30	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Geo. Lewis	1908	2.00
9.0(Part)	30	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Geo. Lewis	1/31/1870	2.00

All of these lands are within Section 3, Township 36 South, Range 1 West, W. M., and are irrigated through the Fryer Ditch from Little Butte Creek, the point of diversion of said ditch being located 720 feet north and 1220 feet west from the E $\frac{1}{2}$ corner of said Section 3, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 3.

The applicant herein, owner of 6.1 acres, as set forth in column 6 above, proposes to irrigate said lands by means of a pumping plant, the point

of diversion of said pumping plant to be located 249 feet north and 1692 feet west from the E $\frac{1}{2}$ corner of Section 3 and being the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said 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 of water, if any there were, namely: at the county courthouse in Medford, Oregon, on October 19, 1960, beginning 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 August 25, September 1 and 8, 1960. The date set for hearing in said notice was not less than thirty days after the last publication of said 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 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 720 feet north and 1220 feet west from the E $\frac{1}{2}$ corner of said Section 3, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 3, Township 36 South, Range 1 West, W. M.

To a point to be located 249 feet north and 1692 feet west from the E $\frac{1}{2}$ corner of Section 3, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 3, Township 36 South, Range 1 West, W. M.

for the irrigation of lands described in column 6, paragraph 2, page 1, hereof, be and the same 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, 1961, 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 25th day of October, 1960.

*Noted on Decree
Vol. 14 p. 516
Cert. # 17180*

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

"Trsf. # H-115"