

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF A. E. BROWN FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
WATER)

ORDER APPROVING
TRANSFER NO. 3970

On June 9, 1978, an application was filed in the office of the Water Resources Director by A. E. Brown for approval of a change in point of diversion from South Fork Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the Water Resources Director, entered September 12, 1977, approving transfer application No. 3600, the right previously described by the certificate recorded at page 17220, Volume 4, State Record of Water Right Certificates, now exists for the appropriation of water from South Fork Little Butte Creek, including the use of not to exceed 0.3 cubic foot per second for irrigation of a certain 12.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 37 South, Range 2 East, W.M., with a date of priority of 1882.

The authorized point of diversion for the irrigation of the lands above described is located 910 feet South and 420 feet West from the Northeast Corner of Section 4, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 37 South, Range 2 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1090 feet South and 430 feet East from the Northeast Corner of Section 4, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 37 South, Range 2 East, W.M. (Tonn & Peck Ditch).

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 original point of

diversion under the subject right, located 2324 feet South and 870 feet East from the Northwest Corner of Section 3, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 37 South, Range 2 East, W.M., and shall not exceed 0.3 cubic foot per second.

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:

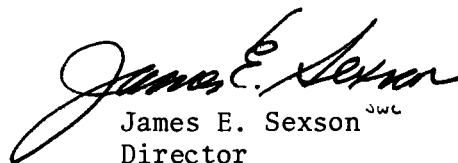
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1979.

It is FURTHER ORDERED that 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 19th day of June, 1978.


James E. Sexson^{JWE}
Director