

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }
OF B. L. DODENHOFF FOR THE AP- }
PROVAL OF A CHANGE IN POINT OF }
DIVERSION AND PLACE OF USE OF }
WATER FROM LITTLE BUTTE CREEK }

ORDER APPROVING
TRANSFER NO. D-119

On February 11, 1966, B. L. Dodenhoff 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, a water right was established in the name of the Fryer Ditch Association for the use of the waters of Little Butte Creek for the irrigation of, among other lands, 1.7 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 36 South, Range 1, West, W.M., tabulated in the name of Fay J. Hall, with a date of priority of 1908. This right was confirmed by certificate recorded at page 29579, Volume 21, State Record of Water Right Certificates.

The water is conveyed to these lands by means of the J. J. Fryer Ditch, the point of diversion being located 720 feet north and 1220 feet west from the east quarter corner of Section 3, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 1.7 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M. and to irrigate these lands from a point of diversion to be located 400 feet north and 15 feet east from the southwest corner of Section 3, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of 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 place of use and point of diversion of water, if any there were, namely: at the county courthouse at Medford, Oregon, on May 5, 1966, 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 March 10, 17 and 24, 1966. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Joseph L. Diddock, Assistant Watermaster of District No. 13, has filed a report to the effect that the proposed change in place of use and 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 place of use and point of diversion 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 1.7 acres in the N $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of 1908, be severed therefrom and simultaneously and without loss of priority transferred to 1.7 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 36 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 720 feet north and 1220 feet west from the east quarter corner of Section 3, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M.

To a point to be located 400 feet north and 15 feet east from the southwest corner of Section 3, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M.

for the irrigation of 1.7 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of 1908, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1967.

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.

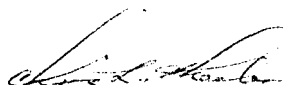
It is FURTHER ORDERED that the following provision shall be effective when in the judgment of the watermaster it becomes necessary to install head-gates and measuring devices.

That the diversion 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 before the beginning of construction work and that the weir or measuring device be constructed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Fryer Ditch Association and recorded at page 29579, 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 including prior changes, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion and place of use, a certificate of water right shall be issued to Fryer Ditch Association confirming the change in point of diversion and the extent to which the water has been applied beneficially.

Dated at Salem, Oregon this 6th day of May, 1966.



CHRIS L. WHEELER
State Engineer