

Jackson County

IN THE MATTER OF THE APPLICATION)
 OF ORRIN L. BROWN FOR THE APPRO-)
 VAL OF A CHANGE IN POINT OF DIVER-)
 SION OF WATER FROM LITTLE BUTTE)
 CREEK. -----)

O R D E RAPPROVING APPLICATION

On June 5, 1950, Orrin L. Brown of 1016 Queen Ann Avenue, Medford, Oregon, filed an application for the approval of a change in point of diversion of water from Little Butte Creek, pursuant to the provisions of Section 116-606, O. C. L. A.

In the adjudication proceedings determining the relative rights to the use of the waters of Little Butte Creek and its tributaries, a water right was adjudicated in the name of Emil and Amelia Britt for the irrigation of 10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6 and 15 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 4 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7 and 5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 36 South, Range 1 West, W. M., with a date of priority of April, 1899 and 2.9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.1 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 36 South, Range 1 West, W. M., with a date of priority of 1908 through the Young and Britt ditch from Little Butte Creek. Subsequently, by Order of the State Engineer entered February 14, 1942, approving application of Emil and Amelia Britt, the water right appurtenant to the 3 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 36 South, Range 1 West, W. M., was transferred to 3 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 7. The point of diversion of the Young and Britt ditch is located 540 feet north and 817 feet east from the southwest corner of Section 3, Township 36 South, Range 1 West, W. M.

Orrin L. Brown, owner of the above described land to which said water right is appurtenant, proposes to change his diversion downstream

to a point to be located 397 feet south and 295 feet east from the north quarter corner of Section 8, 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 the hearing of objections to the approval of the proposed change in point of diversion of water, if any there were, namely: at the County Court House in Medford, Oregon, on September 14, 1950, at 9:00 o'clock a.m. Notice was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, for a period of at least three weeks and not less than one publication each week, to-wit: July 18 and 25 and August 1, 1950. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clinton A. Smith, Watermaster of District No. 15, Medford, Oregon, has submitted a report 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 from Little Butte Creek may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it is hereby ORDERED that the proposed change in point of diversion of water from Little Butte Creek, to-wit:

From a point located 540 feet North and 817 feet East from the southwest corner of Section 3 and being within the $SW\frac{1}{4}$ $SW\frac{1}{4}$, said Section 3, Township 36 South, Range 1 West, W. M.

To a point to be located 397 feet South and 295 feet East from the north quarter corner of Section 8 and being within the $NW\frac{1}{4}$ $NE\frac{1}{4}$, said Section 8, Township 36 South, Range 1 West, W. M.,

for the irrigation of 10 acres in the $SW\frac{1}{4}$ $SE\frac{1}{4}$, Section 6 and 18 acres in the $NE\frac{1}{4}$ $NE\frac{1}{4}$ and 4 acres in the $NW\frac{1}{4}$ $NE\frac{1}{4}$, Section 7, and 1 acre in the $NE\frac{1}{4}$ $NW\frac{1}{4}$ and 5 acres in the $NW\frac{1}{4}$ $NW\frac{1}{4}$, Section 8, Township 36 South, Range 1 West, W. M.,

with a date of priority of April, 1899, and 2.9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.1 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 36 South, Range 1 West, W. M., with a date of priority of 1908, be and the same hereby is approved.

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 be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

That the location of the pumping plant and channel to convey the water to the pump sump and the plans for the headgate and weir or measuring device be approved by the watermaster of Jackson County, Oregon, before the beginning of construction work, and that the headgate, weir, or measuring device be constructed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work required to be done in connection with the change in point of diversion of water herein approved shall be completed on or before October 1, 1951.

Dated at Salem, Oregon, this 26th day of September, 1950.

Noted on Decree
Vol. 14, p. 513
Cert. 17167
File # D-62


CHAS. E. STRICKLIN
State Engineer