

2642 Gary Williams
P.O. Box 168
Butte Falls, Ore 97522

2642

STATUS OF APPLICATION

Change in Point of Diversion
Date filed MAY 15, 1972
Date of hearing _____
Place of hearing _____
Date of order 5-31-72 Vol. 22, page 48
Date for application of water 10-1-73
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

Survey 2/75

DESCRIPTION OF WATER RIGHT

Name of stream North Fork Big Butte Creek
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 40⁰⁰
Name of ditch Albert ditch
Date of priority MARCH 4, 1924
In name of M.V. & Lestia Dingee
_____ Adjudication, Vol. _____, page _____
App. No. 9406 Per. No. 6217 Cert. No. 10525
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-15-72</u>	<u>25.00</u>	<u>28377</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See T # 3237 Δ POD

Finis

	INDEX CARDS:	Entered	Checked
✓	Name	<u>ST</u>	___
✓	Stream	<u>ST</u>	___
✓	Pt. of Div.	<u>ST</u>	___
✓	Calendar	<u>ST</u>	___
	CHECKED TO RECORDS		
	Twp. & Rge.	<u>J</u>	<u>WAC</u>
	Decree-vault	___	___
	Decree-safe	___	___
✓	Cert. of W/R	<u>ST</u>	<u>WAC</u>
✓	Per. , older	<u>ST</u>	<u>WAC</u>
	Chaindex	___	___
	Cross Ref.	___	___
	Power Claim	___	___
	Abstracts	___	___

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF GARY WILLIAMS FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM NORTH FORK BIG BUTTE)
CREEK)

ORDER APPROVING
TRANSFER NO. 2642

On May 15, 1972, Gary Williams filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from North Fork Big Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to W. V. and Lestia Dingee and recorded at page 10525, Volume 10, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.5 cubic foot per second of water from the North Fork of Big Butte Creek for the irrigation of 40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 35 South, Range 2 East, W.M., with a date of priority of March 4, 1924. These lands are irrigated from a point of diversion located 40 feet North and 120 feet West from the center of Section 1, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 1, Township 35 South, Range 2 East, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation from a point located 1800 feet North and 2040 feet East from the SW corner of Section 1, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 1, Township 35 South, Range 2 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said Section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report 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 proposed change in point of diversion of water from North Fork Big Butte Creek, to-wit:

From a point located 40 feet North and 120 feet West from the center of Section 1, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 35 South, Range 2 East, W.M.

To a point to be located 1800 feet North and 2040 feet East from the SW corner of Section 1, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 35 South, Range 2 East, W.M.

for the irrigation of, 40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 35 South, Range 2 East, W.M., with a date of priority of March 4, 1924, 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, 1973.

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, and shall not exceed 0.5 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 certificate of water right heretofore issued to W. V. and Lestia Dingee and recorded at page 10525, Volume 10, State Record of Water Right Certificates is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion a certificate of water right shall be issued to Gary Williams confirming said change in point of diversion.

Dated at Salem, Oregon, this 31st day of May, 1972.

/s/ CHRIS L. WHEELER
State Engineer