

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF MRS. DELTA L. JENSEN FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM LITTLE)
BUTTE CREEK.)

O R D E R

APPROVING APPLICATION

On April 25, 1957, Mrs. Delta L. Jensen of Route 1, Box 108-F, 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.

The 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 and its tributaries, established a water right in the name of Heirs of Nicholas Young, tabulated under the name of P. L. Young, for the irrigation of 4.7 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.3 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 36 South, Range 1 West, W. M., from Little Butte Creek with a date of priority of 1899. These lands are irrigated through the Young and Britt ditch, the point of diversion of said ditch being 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.

The applicant herein, owner of 2 acres of the lands above described, to-wit: 0.4 acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.6 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 36 South, Range 1 West, W. M., proposes to change the point of diversion for the irrigation of said lands downstream to a point to be located 150 feet north and 1180 feet west from the southeast corner of Section 4, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 4, 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 court house in Medford, Oregon on June 26, 1957, at 10:00 o'clock 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 April 30 and May 7 and 14, 1957. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. David C. Hendricks, 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.

Rolland H. and Mary E. Jenks, owners of the land on which the proposed point of diversion is to be located, have filed their written approval of the change.

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 150 feet north and 1180 feet west from the southeast corner of Section 4, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 4, Township 36 South, Range 1 West, W. M.,

for the irrigation of 0.4 acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.6 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 36 South, Range 1 West, W. M., with a date of priority of 1899, 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, 1958 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, and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 11th day of July 1957.

*Noted on Decree
Vol. 14, p. 528
Cert. 17228*

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer