

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF BRUCE E. HANSEN FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM LITTLE BUTTE)
CREEK.)

O R D E R

APPROVING APPLICATION

On March 17, 1961, Bruce E. Hansen of 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.

By decree of the Circuit Court for Jackson County, 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, a water right was established in the name of George A. Hansen for the irrigation of 7.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 36 South, Range 1 East, W. M.; of which 4.0 acres have a date of priority of 1874 and 3 acres have a date of priority of 1908. These lands are irrigated from Little Butte Creek through Brownsboro ditch, the point of diversion of said ditch being located 580 feet North and 660 feet East from the southwest corner of Section 3, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 36 South, Range 1 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of two pumping plants, the points of diversion of said pumping plants to be located (1) 680 feet North and 1860 feet East, and (2) 490 feet North and 2260 feet East, both from the W $\frac{1}{2}$ corner of Section 5, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 36 South, Range 1 East, 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 courthouse in Medford, Oregon, on May 18, 1961, beginning at 9:30 o'clock a. m. The notice was published in the Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of March 24, 31 and April 7, 1961. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. David C. Hendrix, 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.

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

From a point located 580 feet North and 660 feet East from the southwest corner of Section 3, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 36 South, Range 1 East, W. M.,

To a point to be located 680 feet North and 1860 feet East, and to a point to be located 490 feet North and 2260 feet East, both from the W $\frac{1}{4}$ corner of Section 5, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 5, Township 36 South, Range 1 East, W. M.,

for the irrigation of 7.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 36 South, Range 1 East, W. M.; of which 4.0 acres have a date of priority of 1874 and 3 acres have a date of priority of 1908, be and the same hereby 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, 1961, 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.

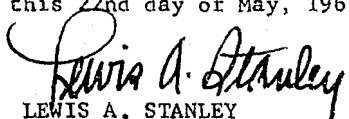
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

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, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 22nd day of May, 1961.

Noted on Decree
Vol. 14, p. 519
Cert. # 17186


LEWIS A. STANLEY
State Engineer.

Trsf. #4-120