

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
BURTON C. AND DELTA L. JENSEN FOR )  
APPROVAL OF CHANGES IN PLACE OF USE )  
AND POINT OF DIVERSION OF WATER )  
-----

ORDER APPROVING  
TRANSFER 4819

On July 13, 1981, an application was filed in the office of the Water Resources Director by Burton C. and Delta L. Jensen for approval of changes in place of use and point of diversion of water from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 32093 Volume 24, State Record of Water Right Certificates, in the name of Burton C. and Delta L. Jensen, describes a right for the use of not to exceed 0.06 cubic foot per second from Little Butte Creek for irrigation of 1.2 acres in SW 1/4 SE 1/4, 0.2 acre in SE 1/4 SE 1/4, both as projected within Young DLC 43 and 3.0 acres in SE 1/4 SE 1/4, as projected within Westgate DLC 47, Section 4, Township 36 South, Range 1 West, WM, with a date of priority of May 10, 1957.

Water for the said right is diverted from a point located 940 feet South and 100 feet East from the Northwest Corner of DLC 47, being within the SE 1/4 SE 1/4 of Section 4, Township 36 South, Range 1 West, WM.

The applicants herein, owners of the lands above described, propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 4.4 acres in SE 1/4 SE 1/4, as projected within Westgate DLC 47, from a point located 410 feet North and 690 feet West from the Southeast Corner of Section 4, being within the SE 1/4 SE 1/4 of Section 4, Township 36 South, Range 1 West, WM.

David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes 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 requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

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 under the subject right.

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 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;

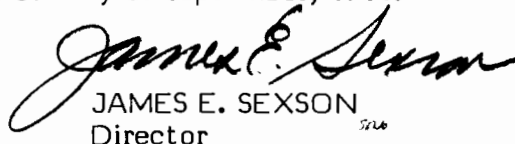
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1983.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 32093, Volume 24, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 8th day of September, 1981.

  
JAMES E. SEXSON  
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

6744A