

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF KENNETH J. LEMKE FOR APPROVAL)
OF A CHANGE IN POINT OF DIVER-)
SION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4027

On August 18, 1978, an application was filed in the office of the Water Resources Director by Kenneth J. Lemke for approval of a change in point of diversion from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 45504, Volume 38, State Record of Water Right Certificates, in the name of Fryer Ditch Association, describes a right which includes the use of not to exceed 0.006 cubic foot per second from Little Butte Creek for irrigation of 0.25 acre, being a part of Tract No. 17, in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of 1908.

The authorized point of diversion of record for said right is located 220 feet North and 1615 feet West from the Southeast Corner of D.L.C. No. 46, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 100 feet North and 1815 feet West from the Southeast Corner of D.L.C. No. 46, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M.

Mr. David C. Hendrix, Watermaster, has filed a statement 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 requested change in point of diversion, as described herein, without loss of priority, is 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 original point of diversion located 120 feet North and 1125 feet East from the Southwest Corner of Section 35, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 35 South,

Range 1 West, W.M., under the subject right, and shall not exceed 0.006 cubic foot per second.

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, 1980.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Fryer Ditch Association and recorded at page 45504, Volume 38, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; 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 applicant herein.

Dated at Salem, Oregon this 5th day of September, 1978.


James E. Sexson ^{WUC}
Director