

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
M. LAVAR HANSEN FOR APPROVAL OF A )  
CHANGE IN PLACE OF USE OF WATER )

ORDER APPROVING  
TRANSFER 5727

On November 18, 1986, an application was filed in the office of the Water Resources Director by M. LaVar Hansen for approval of a change in place of use 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, 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, a water right was established in the name of Little Butte Irrigation Company, tabulated in Volume 14, pages 520 and 521, Order Record of the Water Resources Director, for use of not to exceed 0.02 cubic foot per second from Little Butte Creek for irrigation of, among other lands, a certain 0.75 acre in SW 1/4 NW 1/4, with a date of priority of 1883 and 0.25 acre in NW 1/4 NW 1/4, with a date of priority of 1908, both in Section 3, Township 36 South, Range 1 West, WM, as evidenced by the certificate recorded at page 42285, Volume 34, State Record of Water Right Certificates.

Water for the said right is diverted, through the Little Butte Irrigation Company Ditch, from a point located 560 feet North and 2990 feet East from the Southwest Corner of Section 31, being within the SW 1/4 SE 1/4 of Section 31, Township 35 South, Range 1 East, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom to 1.0 acre in NW 1/4 NW 1/4, Section 3, Township 36 South, Range 1 West, WM.

Bruce R. Sund, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is approved, without loss of priority.

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:

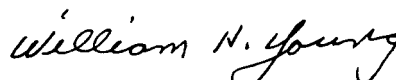
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 said water so transferred shall be applied to beneficial use on or before October 1, 1987.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use on the lands to which the water is transferred hereby, the change of water right shall be considered perfected, and at a later date, a certificate of water right shall be issued to Little Butte Irrigation Company confirming this and other changes, and superseding Certificate 42285.

Dated at Salem, Oregon, this 24th day of February, 1986.

  
WILLIAM H. YOUNG  
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.

A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections and exceptions must be filed within 45 days from the date of service (date of mailing) of the Proposed Order on the party. The Commission will provide opportunity for oral argument in support of written objections and exceptions. If no objections and exceptions are filed within the time allowed, the Proposed Order will automatically become the Final Order of the Commission.

0337/G  
2905D