

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF RICHARD C. & REATHA KERSHNER)
FOR APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3955

On May 8, 1978, an application was filed in the office of the Water Resources Director by Richard C. and Reatha Kershner 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 17187, Volume 14, State Record of Water Right Certificates, in the name of W. M. Hansen, describes a right which includes the use of not to exceed 0.08 cubic foot per second from Little Butte Creek for irrigation of a certain 3.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 36 South, Range 1 East, W.M., with a date of priority of 1874.

Water for the said right is diverted, through the Brownsboro Ditch, from a point located 580 feet North and 660 feet East from the Southwest Corner of Section 3, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 East, W.M.

The applicants herein, owner of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 670 feet South and 1290 feet East from the West Quarter Corner of Section 4, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 36 South, Range 1 East, W.M.

Notice of the application, pursuant to ORS 540.510, 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 May 17, 24 and 31, 1978.

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 old point of diversion under the subject right, and shall not exceed 0.08 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:

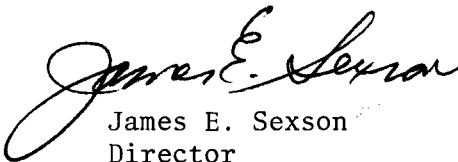
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to W. M. Hansen and recorded at page 17187, Volume 14, 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 applicants herein.

Dated at Salem, Oregon this 14th day of July, 1978.


James E. Sexson
Director