

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF BURTON C. AND DELTA L. JENSEN )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
LITTLE BUTTE CREEK )  
----- )

ORDER APPROVING  
TRANSFER NO. 2672

On July 7, 1972, Burton C. and Delta L. Jensen 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, 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 Nicholas Young for the use of the waters of Little Butte Creek for the irrigation of, among other lands, 6.0 acres in NW¼ NE¼, Section 9, tabulated in the name of Clara Young, 5.5 acres in SE¼ SW¼, Section 4, tabulated in the name of Mrs. C. Givan, and 7.5 acres in SW¼ SE¼, Section 4, tabulated in the name of Mrs. James Owens, all in Township 36 South, Range 1 West, W.M., with a date of priority of 1899. This right was confirmed by certificate recorded at page 17228, Volume 14, State Record of Water Right Certificates. These lands are irrigated through the Young and Britt Ditch, the point of diversion being located 540 feet north and 817 feet east from the SW corner of Section 3, being within the SW¼ SW¼ of Section 3, Township 36 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of a pump, the point of

diversion to be located 1030 feet south and 653 feet east from the North  $\frac{1}{4}$  corner of Section 9, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 9, Township 36 South, Range 1 West, 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 November 30, 1972, at 9:30 a.m. The notice 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 October 9, 16 and 23, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, 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 change in point of diversion of water, to-wit:

From a point located 540 feet north and 817 feet east from the SW corner of Section 3, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 3, Township 36 South, Range 1 West, W.M.

To a point located 1030 feet south and 653 feet east from the N  $\frac{1}{4}$  corner of Section 9, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 9, Township 36 South, Range 1 West, W.M.

for the irrigation of, 5.5 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 7.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 4, and 6.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 9, Township 36 South, Range 1 West, W.M., with a date of priority of 1899, 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, 1973.

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, and shall not exceed 0.40 cubic foot per second of water during the irrigation season.

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

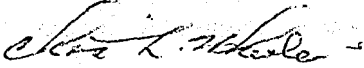
That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

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

An Order of the State Engineer entered September 15, 1966 canceled the certificate recorded at page 17228 and provided for issuance of a new certificate covering the lands not involved in that order.

It is FURTHER ORDERED that the new certificate as provided for by the September 15, 1966 order not include the lands herein described, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate shall be issued to Burton C. and Delta L. Jensen confirming the change in point of diversion.

Dated at Salem, Oregon, this 6th day of April, 1973.

  
CHRIS L. WHEELER  
State Engineer