

2672
Jensen
322 N. S. Young Rd, Eagle Point

2672

STATUS OF APPLICATION

Change in Point of Diversion
Date filed July 7, 1972
Date of hearing November 30, 1972 9:30
Place of hearing Medford, Ore
Date of order April 6, 1973 Vol. 23, page 78
Date for application of water October, 1973
Proof mailed _____
Proof received _____
Certificate issued NOV 21 1973 Vol. 31, page 39591

JUN 17 1977

Vol. 36 Pg. 44476

DESCRIPTION OF WATER RIGHT

Name of stream Little Butte Creek
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 190
Name of ditch Young & Britt ditch
Date of priority 1899
In name of Heirs of Nicholas Young
Little Butte Creek Adjudication, Vol. 14, page 528
App. No. _____ Per. No. _____ Cert. No. 17228
Certificate cancelled _____
Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|----------------|---------------------|--------------------------|
| <u>7-7-72</u> | <u>25.00</u> | <u>29536</u> |
| <u>7-7-72</u> | <u>40.00 P.O.N.</u> | <u>29537</u> |
| TOTAL . . . | | |
| <u>11-6-72</u> | <u>.89</u> | <u>From Pub. of Nat.</u> |
| <u>12-1-72</u> | <u>2.11</u> | <u>31611</u> |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
|------|--------|-----------|

REMARKS

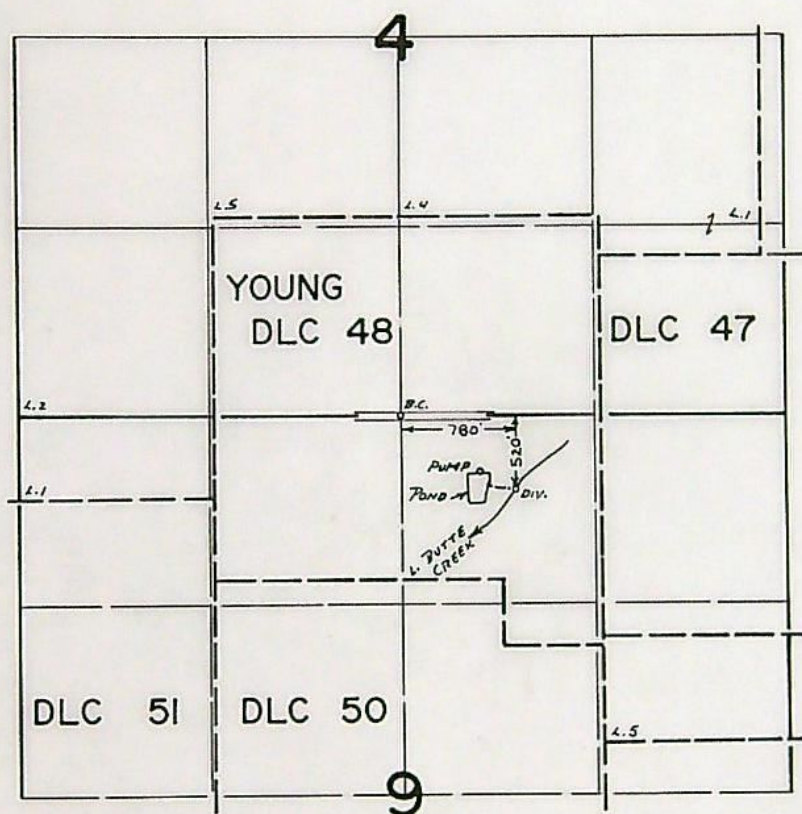
See also: C-171

D-75 - Finit
G-47 - Finit
J-30 - Finit
J-31 - Finit
W-69 - Finit

| TO BE ENTERED WHERE CHECKED | INDEX CARDS | Entered | Checked |
|-------------------------------------|---------------|----------------|-----------|
| <input checked="" type="checkbox"/> | Name | <u>ST</u> | <u> </u> |
| <input checked="" type="checkbox"/> | Stream | <u>ST</u> | <u> </u> |
| <input checked="" type="checkbox"/> | Pl. of Div. | <u>ST</u> | <u> </u> |
| <input checked="" type="checkbox"/> | Calendar | <u>ST</u> | <u> </u> |
| | CHECKED T. J. | <u>ST</u> | <u> </u> |
| <input checked="" type="checkbox"/> | Twp. & Rge. | <u>W&R</u> | <u> </u> |
| <input checked="" type="checkbox"/> | Decree-vault | <u>ST</u> | <u> </u> |
| <input checked="" type="checkbox"/> | Decree-sa. | <u>ST</u> | <u> </u> |
| <input checked="" type="checkbox"/> | Cert. of W. | <u>ST</u> | <u> </u> |
| <input type="checkbox"/> | Per. Folder | <u> </u> | <u> </u> |
| <input type="checkbox"/> | Chaindex | <u> </u> | <u> </u> |
| <input type="checkbox"/> | Cross Ref. | <u> </u> | <u> </u> |
| <input checked="" type="checkbox"/> | Power Claim | <u> </u> | <u> </u> |
| <input checked="" type="checkbox"/> | Abstracts | <u> </u> | <u> </u> |

1023

T.36S.,R.1W.,W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2672
Application No. _____ Permit No. _____
IN NAME OF

BURTON. C. & DELTA L. JENSEN

Surveyed Aug. 18. 1975, by L. E. Gould

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 NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, tabulated in the name of Clara Young, 5.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, tabulated in the name of Mrs. C. Givan, and 7.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 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 SW $\frac{1}{4}$ 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 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.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

Burton C. & Delta L. Jensen
This Is to Certify, That ~~Heirs of Nicholas Young~~
322 Nick Young Rd.

of Eagle Point, State of Oregon, has a right to the use of
the waters of Little Butte Creek trib Rogue R.
for the purpose of the Irrigation of 19 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 14, at page 498; that the priority of the right thereby confirmed dates from 1899;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ~~1.27~~ cubic foot per second ~~measured at the head of the ditch or the point where the same leaves the natural stream, from April 1st to October 1st of each year.~~

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

~~T. G. Dugan~~

~~4.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ ch. in pt. of div. -
Section 9, Sp. Or. Vol. 9, p. 400.~~

~~P. L. Young~~

~~4.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ ch. in pt. of div. for 2 Ac.
2.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sp. Or. Vol. 9, p. 178
Section 4, also for 4.3 ac. - Sp. Or.
Vol. 9, p. 211
11.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
1.0 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 9,~~

Clara Young

~~6.0 6.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ ch. in pt. of div. for 2 Ac.
Section 9, Sp. Or. Vol. 15, p. 232~~

~~Nich Young~~

~~12.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ ch. in pt. of div. for 8 $\frac{1}{2}$ Ac.
Section 9, Sp. Or. Vol. 10, p. 201
Also 4 $\frac{1}{2}$ Ac. Sp. Or. Vol. 10, p. 201~~

Mrs. C. Givan¹²

~~5.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 4,~~

Mrs. James Owen

~~7.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 4,
T. 36 S., R. 1 W., W. M.~~

This certificate is issued to confirm a change in p. o. d.
approved by an order of the Water Resources Director entered April 6, 1973,
together certificates 39591 and 14302
and supersedes certificate of water right issued to 17228

WITNESS the signature of the

this 20th day of April, 19 50

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 17228.

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Heirs of Nicholas Young

of Eagle Point, State of Oregon, has a right to the use of
the waters of Little Butte Creek - trib of Rogue River
for the purpose of Irrigation of 35.2 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 14, at page 498; that the priority of the right thereby confirmed dates from 1899;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.17 cubic feet per second; measured at the head of the ditch or the point where the same leaves the natural stream, from April 1st to October 1st of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

T. C. Dugan

4.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ ch. in pt. of div. - 4 $\frac{1}{2}$ acres
Section 9, Sp. Or. Vol. 9, p. 400.

P. L. Young

4.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ ch. in pt. of div. for 2 Ac. -
2.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sp. Or. Vol. 9, p. 175
Section 4, also for 4.3 ac. - Sp. Or.
Vol. 9, p. 211
11.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
1.0 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 9,

Clara Young

8.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ ch. pt. of div. for 2 acres
Section 9, Sp. Or. Vol. 15, p. 232

Nich Young

12.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ ch. pt. of div. for 8 $\frac{1}{2}$ Ac
Section 9, Sp. Or. Vol. 8, p. 428
Also 4 $\frac{1}{2}$ Ac. Sp. Or. Vol. 10, p. 200.

Mrs. C. Givan

5.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 4,

Mrs. James Owen

7.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 4,

T. 36 S., R. 1 W., W. M.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 28th day of April, 1950.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 17228.

**NOTICE OF FILING
APPLICATION FOR A
CHANGE IN POINT OF
DIVERSION OF WATER**

Notice is given hereby that Burton C. and Delta L. Jensen have filed an application for the approval of a change in point of diversion of water from Little Butte Creek.

In the Little Butte Creek Adjudication proceedings a water right was established in the name of Nicholas Young (Heirs of) for the use of the waters of Little Butte Creek for irrigation of, among other lands, 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, 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.

The water is conveyed to these lands by means of the Young and Britt Ditch with a point of diversion 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.

The applicant herein, owner of the lands above described, proposes to convey water to these lands by means of a pump to be located at a point of diversion 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.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on November 30, 1972, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Burton C. and Delta L. Jensen, 322 Nick Young Road, Eagle Point, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 2nd day of October, 1972.

CHRIS L. WHEELER
State Engineer

Affidavit of Publication

State of Oregon,

County of Jackson

ss.

RECEIVED
OCT 26 1972
STATE ENGINEER
SALEM, OREGON

1. Evalynne D. Smith, being first duly

sworn, depose and say that I am the.....

(OWNER, EDITOR, PUBLISHER, MANAGER.)

Principal Clerk

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN)

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state:

that the Notice of Filing Appli. for a Change in
Pt. of Div. of Water - Jensen

copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the

following issues Oct. 9, 16, 23, 1972

(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Evalynne D. Smith

Subscribed and sworn to before me this 23rd day of Oct., 19 72

Alta M. Lindsay
NOTARY PUBLIC FOR OREGON

My Commission expires 16th day of October, 19 73