

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
MORROW COUNTY

IN THE MATTER OF THE APPLICATION OF)	
JAME H. KLUKKERT FOR APPROVAL)	
OF CHANGES IN PLACE OF USE AND)	ORDER APPROVING
POINT OF APPROPRIATION OF WATER)	TRANSFER 5892

On December 24, 1986, an application was filed in the office of the Water Resources Director by James H. Klukkert for approval of changes in place of use and point of appropriation of water from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 50316, Volume 44, State Record of Water Right Certificates, in the name of Stanley Tucker, describes a right which includes the use of not to exceed 0.015 cubic foot per second from ground water for irrigation of a certain 10.0 acres in NE 1/4 SW 1/4, Section 20, Township 2 North, Range 27 East, WM, with a date of priority of December 16, 1968.

The authorized point of appropriation is located 600 feet South and 2550 feet East from the West Quarter Corner of Section 20, being within the NE 1/4 SW 1/4 of Section 20, Township 2 North, Range 27 East, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of appropriation therefrom to irrigation of a certain 7.0 acres in SE 1/4 SW 1/4 and 3.0 acres in SW 1/4 SE 1/4, Section 26, from a well located 240 feet North and 2600 feet West from the Southeast Corner of Section 26, being within the SW 1/4 SE 1/4 of Section 26, Township 2 North, Range 26 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the East Oregonian, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of February 5, 12 and 19, 1987.

Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of appropriation may be made without injury to existing rights.

Marc A. Norton, Hydrogeologist, has filed a statement to the effect that the proposed changes in place of use and point of appropriation may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in place of use and point of appropriation are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water appropriated at the new well shall not exceed the quantity of water available at the old well under the subject right, and shall not exceed 0.015 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to using water from the new well as herein confirmed:

That the pump system shall include an access port for measuring the water level;

That the pump system shall include an in-line flow meter or other suitable device for measuring the water to which the applicant is entitled;

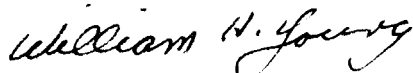
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 50316, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the right to appropriate water from the Well described in Certificate 50316 is hereby canceled, and water shall be appropriated from the new well on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 50316, Volume 44, 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 12th day of March, 1987.


WILLIAM H. YOUNG,
Director

NOTE: 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.

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