

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Klamath County

IN THE MATTER OF THE APPLICATION)
OF BIAGGI & VENABLE FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM HAMAKER WELL)

ORDER APPROVING
TRANSFER NO. 3486

On October 22, 1976, C. W. Biaggi and T. M. Venable filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from a well, pursuant to the provisions of ORS 537.705.

Certificate of water right recorded at Page 35152, Volume 27, State Record of Water Right Certificates, in the name of Nevin Cattle Company, describes an existing right of record which includes the use of not to exceed 2.55 cubic feet per second from Hamaker Well for irrigation of a certain 0.8 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 13.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 11.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6; 4.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 37.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 33.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 13.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 13.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 22.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 13.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 38 South, Range 11 $\frac{1}{2}$ East, W.M., with a date of priority of July 19, 1949.

Water for the said right is diverted from a well located 1530 feet North and 3830 feet East from the East quarter-corner of Section 12, Township 38 South, Range 10 East, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 38 South, Range 11 $\frac{1}{2}$ East, W.M.

The applicants herein, owners of the lands above described, propose to change, without loss of priority, the place of use and to sever the right therefrom and, in lieu thereof, irrigate a certain 14.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 38.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 38 South, Range 10 East; 33.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7; 6.1 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 37.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 7.4 acres

in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 4.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 12.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 38 South, Range 11 $\frac{1}{2}$ East, W.M., and supplemental irrigation of 29.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 38 South, Range 10 East, W.M.

Mr. Don Knauer, Watermaster of District No. 17, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

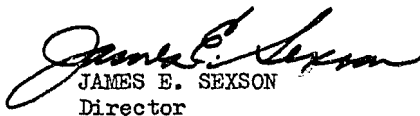
No objection having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Nevin Cattle Company and recorded at Page 35152, Volume 27, 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 C. W. Biaggi and T. M. Venable.

Dated at Salem, Oregon, this 23rd day of November, 1976.


JAMES E. SEXSON
Director