

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF IRWIN B. HOLZMAN FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM NORTH FORK LAKE CR.)
- - - - -

ORDER APPROVING
TRANSFER NO. 4166

On February 28, 1979, an application was filed in the office of the Water Resources Director by Irwin B. Holzman for approval of a change in point of diversion of water from North Fork Lake Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 13634, Volume 12, State Record of Water Right Certificates, in the name of B. F. Madsen, describes a right which includes the use of water from North Fork Lake Creek for irrigation of a certain 5.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 13 South, Range 9 East, W.M., with a date of priority of June 1, 1908.

The authorized point of diversion for said right is located 1340 feet South and 1450 feet West from the Northeast Corner of Section 17, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 13 South, Range 9 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom for irrigation of the lands above described, without loss of priority, to an existing point located 500 feet South and 40 feet East from the Northwest Corner of Section 15, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 13 South, Range 9 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Madras Pioneer, a newspaper printed and having general circulation in Jefferson County, Oregon, for a period of three weeks in the issues of March 22 and 29, and April 5, 1979.

Mr. Robert F. Main, Jr., 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.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

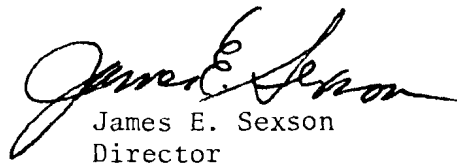
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 13634, Volume 12, 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 24th day of May, 1979.


James E. Sexson
Director