

Klamath County

IN THE MATTER OF THE APPLICATION)
OF GEORGE E. STEVENSON FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM LOST RIVER)

ORDER APPROVING
TRANSFER NO. S-162

On February 3, 1964, George E. Stevenson of Klamath Falls, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Lost River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court of Klamath County, Oregon, entered September 12, 1918, In the Matter of Determination of the Relative Rights to the Use of the Waters of Lost River and its tributaries, a water right was allowed for the use of the waters of Lost River for domestic, stock and the irrigation of, among other lands, 13.1 acres in the NE¹/₄ NE¹/₄, Section 11, and 33.0 acres in the SW¹/₄ NW¹/₄, 33.0 acres in the NE¹/₄ SW¹/₄, 32.0 acres in the NW¹/₄ SW¹/₄, 11.0 acres in the SW¹/₄ SW¹/₄ and 35.0 acres in the SE¹/₄ SW¹/₄, Section 12, Township 39 South, Range 10 East, W.M., with dates of priority of 1888 and 1902. This right was confirmed by certificate issued to George E. Stevenson and recorded at page 27619, Volume 19, State Record of Water Right Certificates.

The applicant herein, owner of 27.1 acres of the lands above described, to-wit: 2.0 acres in the NE¹/₄ NE¹/₄, Section 11 and 2.2 acres in the SW¹/₄ NW¹/₄, 16.9 acres in the NE¹/₄ SW¹/₄, 0.65 acre in the NW¹/₄ SW¹/₄, 1.2 acres in the SW¹/₄ SW¹/₄ and 4.15 acres in the SE¹/₄ SW¹/₄, Section 12, with a date of priority of 1888, proposes to transfer the water rights therefrom without loss of priority to 7.6 acres in the SW¹/₄ SE¹/₄ and 12.5 acres in the SE¹/₄ SE¹/₄, Section 2, and 7.0 acres in the NW¹/₄ NE¹/₄, Section 11, Township 39 South, Range 10 East, W.M., with a date of priority of 1888.

Notice of publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water only.

Mr. Glenn E. Tyler, Watermaster of District No. 12 has filed a report to the effect that the proposed change in place of use of water may be made without injury to existing rights.

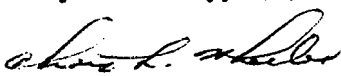
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and that the water right hereinbefore described as appurtenant to 2.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, and 2.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 16.9 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.65 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 1.2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.15 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 39 South, Range 10 East, W.M., with a date of priority of 1888, be severed therefrom and simultaneously and without loss of priority transferred to 7.6 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 12.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2 and 7.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 39 South, Range 10 East, W.M., with a date of priority of 1888.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1965, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that certificate of water right heretofore issued to George E. Stevenson and recorded at page 27619, Volume 19, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to George E. Stevenson confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 18th day of January, 1965.


CHRIS L. WHEELER
State Engineer