

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

KLAMATH COUNTY

IN THE MATTER OF THE APPLICATION OF)
 NEVIN CATTLE COMPANY FOR)
 APPROVAL OF CHANGES IN POINT OF)
 APPROPRIATION OF WATER)

ORDER APPROVING
 TRANSFER 4843

On August 4, 1981, an application was filed in the office of the Water Resources Director by Nevin Cattle Company for approval of changes in point of appropriation of water from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 44967, Volume 37, State Record of Water Right Certificates, in the name of Nevin Cattle Company, describes a right which includes the use of not to exceed 4.42 cubic feet per second from ground water for irrigation of 353.5 acres in Sections 11,12,13,14, and 24, Township 38 South, Range 10 East, WM, as follows:

Township	Range	Section	1/4 1/4	Acres	Well
38S	10E	12	SE SW	0.6	Hamaker
38S	10E	12	SW SE	7.6	Hamaker
38S	10E	12	SE SE	3.1	Hamaker
38S	10E	13	NW NE	1.6	Hamaker
38S	10E	13	NE NW	5.0	Hamaker
38S	10E	13	SW SW	25.4	Liskey
38S	10E	14	SE NE	2.9	Liskey
38S	10E	14	NE SE	12.0	Liskey
38S	10E	14	NW SE	2.0	Liskey
38S	10E	14	SE SE	1.7	Liskey
38S	10E	24	NE NW	8.6	Liskey
38S	10E	24	NW NW	30.0	Liskey
38S	10E	13	NW NW	4.4	Mitchell
38A	10E	13	SW NW	11.2	Mitchell
38S	10E	13	NW SW	13.4	Mitchell
38S	10E	13	SW SW	12.6	Mitchell
38S	10E	13	SE SW	9.4	Mitchell
38S	10E	24	NE NW	21.0	Mitchell
38S	10E	24	SW NW	14.4	Mitchell
38S	10E	24	SE NW	24.0	Mitchell
38S	10E	11	NE SE	37.2	Swan Lake Junction
38S	10E	11	NW SE	37.2	Swan Lake Junction
38S	10E	11	SW SE	6.0	Swan Lake Junction
38S	10E	11	SE SE	27.1	Swan Lake Junction
38S	10E	14	NE NE	24.8	Swan Lake Junction
38S	10E	14	SE NE	10.3	Swan Lake Junction

with a date of priority of July 19, 1949.

Hamaker Well is located 1,530 feet North and 3,830 feet East from the East Quarter Corner of Section 12; Liskey Well is located 800 feet South and 430 feet East from the Northwest Corner of Section 13; Mitchell Well is located 780 feet North and 5

feet East from the Southeast Corner of Section 24 and Swan Lake Junction Well is located 3,225 feet North and 1,260 feet West from the Southeast Corner of Section 23, all Township 38 South, Range 10 East, WM.

The applicant proposes to change the point of appropriation for irrigation of 59.7 acres in Section 11, 52.4 acres in Section 13, 1.7 acres in Section 14 and 98.0 acres in Section 24 to Deer Ridge Well; to change the point of appropriation for irrigation of 47.8 acres in Section 11, 11.3 acres in Section 12, 30.6 acres in Section 13 and 35.1 acres in Section 14 to Liskey Well; and to change the point of appropriation for irrigation of 16.9 acres in Section 14 to Swan Lake Junction Well. The lands to be irrigated are more specifically described as follows:

Township	Range	Section	1/4 1/4	Acres	Well
38S	10E	11	NE SE	14.2	Deer Ridge
38S	10E	11	NW SE	37.2	Deer Ridge
38S	10E	11	SW SE	6.0	Deer Ridge
38S	10E	11	SE SE	2.3	Deer Ridge
38S	10E	13	NW SW	5.0	Deer Ridge
38S	10E	13	SW SW	38.0	Deer Ridge
38S	10E	13	SE SW	9.4	Deer Ridge
38S	10E	14	SE SE	1.7	Deer Ridge
38S	10E	24	NE NW	29.6	Deer Ridge
38S	10E	24	NW NW	30.0	Deer Ridge
38S	10E	24	SE NW	24.0	Deer Ridge
38S	10E	24	SW SW	14.4	Deer Ridge
38S	10E	11	NE SE	23.0	Liskey
38S	10E	11	SE SE	24.8	Liskey
38S	10E	12	SE SW	0.6	Liskey
38S	10E	12	SW SE	7.6	Liskey
38S	10E	12	SE SE	3.1	Liskey
38S	10E	13	NW NE	1.6	Liskey
38S	10E	13	NE NW	5.0	Liskey
38S	10E	13	NW NW	4.4	Liskey
38S	10E	13	SW NW	11.2	Liskey
38S	10E	13	NW SW	8.4	Liskey
38S	10E	14	NE NE	24.8	Liskey
38S	10E	14	SE NE	10.3	Liskey
38S	10E	14	SE NE	2.9	Swan Lake Junction
38S	10E	14	NE SE	12.0	Swan Lake Junction
38S	10E	14	NW SE	2.0	Swan Lake Junction

Deer Ridge Well is located 250 feet North and 100 feet East from the West Quarter Corner of Section 24, being within the SW 1/4 NW 1/4, Section 24, Township 38 South, Range 10 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Herald and News, a newspaper printed and having general circulation in Klamath County, Oregon, for a period of three weeks in the issues of August 14, 21 and 28, 1981.

Delbert Sparks, Watermaster, has filed a statement to the effect that the proposed changes in point of appropriation may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in point of appropriation, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water appropriated at the new well, together with that appropriated at the old wells, shall not exceed the quantity of water available at the old wells under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install measuring devices:

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;

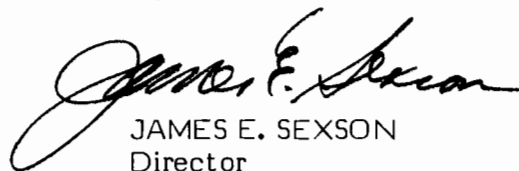
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of appropriation of water made on or before October 1, 1983.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 44967, Volume 37, 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 26th day of October, 1981.


JAMES E. SEXSON
Director

NOTE: The 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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