

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

KLAMATH COUNTY

IN THE MATTER OF THE APPLICATION OF)
MICHAEL J. McAULIFFE AND CHARLES)
McAULIFFE FOR APPROVAL OF A CHANGE)
IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 4879

On August 26, 1981, an application was filed in the office of the Water Resources Director by Michael J. McAuliffe and Charles McAuliffe for approval of a change in place of use of water from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 36946, Volume 28, State Record of Water Right Certificates, in the name of Mary L. Drake and Michael J. McAuliffe, describes a right which includes the use of not to exceed 0.84 cubic foot per second from ground water for irrigation of 40.0 acres in SE 1/4 NE 1/4, Section 33; 14.0 acres in SW 1/4 NW 1/4 and 12.8 acres in NW 1/4 SW 1/4, Section 34, Township 40 South, Range 12 East, WM, with a date of priority of February 23, 1966.

The authorized point of appropriation is located 1,350 feet North and 960 feet East from the Southwest Corner of SE 1/4 NE 1/4 of Section 33, being within the NE 1/4 NE 1/4 of Section 33, Township 40 South, Range 12 East, WM.

The applicants herein, owners of the lands above described, propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof 16.8 acres in NE 1/4 NE 1/4, Section 33; 14.5 acres in NE 1/4 NW 1/4, 26.9 acres in NW 1/4 NW 1/4, 5.1 acres in SW 1/4 NW 1/4 and 3.5 acres in SE 1/4 NW 1/4, Section 34, Township 40 South, Range 12 East, WM.

No objections 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, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water appropriated at the new well, together with that appropriated at the old well, shall not exceed the quantity of water available at the old well under the subject right, and shall not exceed 0.084 cubic foot per second.

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 36946, Volume 28, 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 applicants herein.

Dated at Salem, Oregon this 26th day of October, 1981.


JAMES E. SEXSON, 5714
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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