

BEFORE THE STATE ENGINEER OF OREGON

Klamath County

IN THE MATTER OF AN APPLICATION)
FOR EXTENSION OF TIME TO COMPLETE)
CONSTRUCTION AND MAKE COMPLETE)
APPLICATION OF WATER UNDER PERMITS)
NOS. 309, 4791, and 23396 IN THE)
NAME OF MEADOWS DRAINAGE DISTRICT)
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O R D E R

Meadows Drainage District is the holder of Permit No. 309, which grants the right to the use of 210 cubic feet per second of the waters of Wood River for irrigation and domestic uses; of Permit No. 4791, which grants the right to the use of 116.49 cubic feet per second of the waters of Four Mile Creek, Seven Mile Creek, and Anna Slough Drain for irrigation; and of Permit No. 23396, which grants the right to the use of 71.31 cubic feet per second of the waters of Wood River for irrigation.

The time limit to complete construction under Permits Nos. 309 and 4791 expired October 1, 1962, and the time limit to complete application of water expired October 1, 1964. The time limit to complete construction under Permit No. 23396 expired October 1, 1961, and the time limit to complete application of water expired October 1, 1962.

The Meadows Drainage District has made application for extension of the time limits to complete the construction and complete the application of water under the above mentioned permits until October 1, 1968, for those lands under the permits not included on the State Engineer Survey map made June 10, 11, 12, 13, 15, 1964. In making this application, the Meadows Drainage District stipulated and agreed that those upstream rights on Wood River established under applications filed subsequently to the priority dates of Permits Nos. 309, 4791, and 23396, and before July 7, 1966, will be prior in time to any rights which may be completed under Permits Nos. 309, 4791, and 23396, and appurtenant to the following described lands:

A piece or parcel of land in Sections 20, 21, 22, 26, 27, 28, 29, 33, and 34, Township 34 South, Range 7½ East, W.M., and Sections 2, 3, 4, 5, 6, 7, 8, 9, and 10 in Township 35 South, Range 7½ East, W.M., situate in Klamath County, Oregon, and more particularly described as follows:

Beginning at the intersection of the center line of Seven Mile Canal, as the same is now located and constructed with a line parallel with and 70.0 feet distant at right angles Southeasterly from the center line of the Dixon and McQuiston Lower Levee as the same is now located and constructed, and from which point the Southeasterly corner of Section 1, Township 34 South, Range 6 East, W.M., as established by Norman D. Price, U. S. Cadastral Engineer, between October 31, 1930 and June 22, 1931, bears North 52°51½' West 18,650.2 feet distant, and running thence South 44°40' West along the aforementioned parallel line 7011.7 feet; thence South 12°30' East along a line parallel with and 70.0 feet distant at right angles Northeasterly from the center line of the said Dixon and McQuiston Lower Levee, 2,622.3 feet, more or less, to a point in the section line between the said Sections 28 and 29, Township 34 South, Range 7½ East, W.M.; thence Southerly along the said section line between the said Sections 28 and 29, and Sections 32 and 33 of the same Township and Range, 7,928 feet, more or less, to the Southeasterly corner of the said Section 32; thence Southerly along the Section line between the said Sections 4 and 5, Township 35 South, Range 7½ East, W.M., 788.3 feet; thence Westerly along a line parallel with and 788.3 feet distant at right angles Southerly from the Township line between Township 34 South, Range 7½ East, W.M., and Township 35 South, Range 7½ East, W.M., 10,560 feet, more or less, to a point in the line marking the Westerly boundary of Section 6, Township 35 South, Range 7½ East, W.M.; thence Southerly along the Westerly boundary of the said Section 6, 4,492 feet, more or less, to the Southwesterly corner of the said Section 6; thence continuing Southerly along the Westerly boundary of Section 7, 5,280 feet, more or less, to the Southwesterly corner of said Section 7; thence Easterly along the Southerly boundaries of the said Sections 7, 8, and 9, Township 35 South, Range 7½ East, W.M., 10,560 feet, more or less, to the Southwest corner of Section 9, Township 35 South, Range 7½ East, W.M.; thence continuing Easterly along the South line of Section 9, 1,980 feet; thence Northeasterly in a straight line to the Southwest corner of Lot 2, of said Section 9; thence Northerly along the Westerly line of said Lot 2 to the Northwesterly corner thereof; thence Easterly along the North line of said Lot 2 and of Lot 1 of Section 9, and of Lots 4, 3, and 2 of Section 10, to the shore line of Klamath Lake, thence Northeasterly along the said shore line to its intersection with the Section line between Sections 2 and 3; thence continuing Northerly along the said shore line 2½ miles, more or less to its intersections with the said center line of Seven Mile Canal, as the same is now located and constructed, said point being South 41°02½' East 11,000 feet distant from the said point of beginning; thence North 41°02½' West along the said center line of Seven Mile Canal, 11,000 feet, more or less, to the said point of beginning.

Together with the perpetual right and easement over the strip of land 150 feet in width adjoining the Southerly and most southerly Easterly line of the above described land extending from the South-

westerly corner of said Section 7 to the Northeasterly corner of Lot 2 of said Section 10 in said Township and Range, for a borrow pit or canal and for support of dike which may be constructed.

Saving and Excepting from the above described lands, those portions of the above described lands conveyed by Fort Klamath Meadows Co. to Meadows Drainage District by deed recorded on Page 273 of Volume 59 of Deed Records of Klamath County, Oregon. This exception applies only to the lands conveyed by Fort Klamath Meadows Co. to T. B. Watters et al by deed recorded in Volume 172 at Page 497, Deed Records.

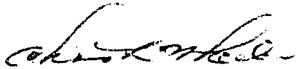
The State Engineer is authorized under the provisions of ORS 537.230 to grant extension of time for good cause shown, within which to complete work or perfect a right under a water right permit.

The statements in the application for extension indicate that the Meadows Drainage District has shown such reasonable diligence as entitles it to an extension of time; and no protests or objections to the granting of an extension has been filed by any subsequent permit holder.

NOW, THEREFORE, it hereby is ORDERED that the time limit to complete the construction and to complete application of water under the terms of Permits Nos. 309, 4791, and 23396, be extended to October 1, 1968.

It is FURTHER ORDERED that the rights which may be completed under Permits Nos. 309, 4791, and 23396 appurtenant to the lands described in Paragraph 3, shall be subsequent in time and inferior to all rights for appropriation of waters of Wood River, Four Mile Creek, Seven Mile Creek, and Anna Slough Drain, with diversion points located upstream from the diversions under Permits Nos. 309, 4791, and 23396, and perfected under permits bearing dates of priority between January 26, 1910 and July 7, 1966 for Wood River, and between September 13, 1920 and July 7, 1966 for Four Mile Creek, Seven Mile Creek, and Anna Slough Drain.

Dated at Salem, Oregon, this 27th day of April, 1967.


CHRIS L. WHEELER
State Engineer