

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION OF)
EMERY LIVESTOCK COMPANY FOR)
APPROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF APPROPRIATION OF WATER)

ORDER APPROVING
TRANSFER 5488

On May 29, 1984, an application was filed in the office of the Water Resources Director by Emery Livestock Company for approval of changes in place of use and point of appropriation of water from ground water, pursuant to the provisions of ORS 537.705.

The Proof of Appropriation of use of water under Permit G-7242, signed by Gordon Emery on May 23, 1984, in the name of Emery Livestock Company, describes a right which includes the use of not to exceed 0.03 cubic foot per second from a well, for irrigation of a certain 0.2 acre NE 1/4 SE 1/4, 0.2 acre NW 1/4 SE 1/4, 0.2 acre SW 1/4 SE 1/4, Section 24; 0.2 acre NW 1/4 NE 1/4, 0.2 acre SW 1/4 NE 1/4, 0.1 acre SE 1/4 NE 1/4, 0.2 acre NE 1/4 SE 1/4, Section 25, Township 28 South, Range 14 East, WM; 0.2 acre NE 1/4 SW 1/4, 0.2 acre NW 1/4 SW 1/4, 0.1 acre SE 1/4 SW 1/4, 0.1 acre SW 1/4 SE 1/4, Section 19; 0.1 acre NW 1/4 NE 1/4, 0.1 acre NE 1/4 NW 1/4, 0.1 acre SW 1/4 NW 1/4, 0.3 acre SE 1/4 NW 1/4, 0.2 acre NW 1/4 SW 1/4, Section 30, Township 28 South, Range 15 East, WM, with a date of priority of February 4, 1977.

The authorized well is located at the Northwest Corner of Section 30, being within the NW 1/4 NW 1/4 of Section 30, Township 28 South, Range 15 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 100 feet North and 160 feet West from the West Quarter Corner of Section 22, being within the SE 1/4 NE 1/4 of Section 22, Township 28 South, Range 14 East, WM, for irrigation of 2.4 acres SE 1/4 SE 1/4, Section 22 and 0.3 acre SW 1/4 SW 1/4, Section 23, Township 28 South, Range 14 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Lake County Examiner, a newspaper printed and having general circulation in Lake County, Oregon, for a period of three weeks in the issues of June 28, July 5 and 12, 1984.

Dennis R. Glender, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of appropriation may be made without injury to existing rights.

Donn Miller, Hydrogeologist, has filed a statement to the effect that the proposed changes in place of use and point of appropriation may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in place of use and point of appropriation are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water appropriated at the new well shall not exceed the quantity of water available at the old well under the subject right, and shall not exceed 0.03 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;

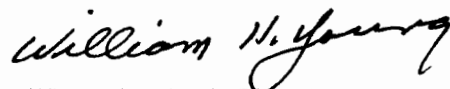
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

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, 1985.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1985.

It is FURTHER ORDERED that a 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 Lake County Cemetery District.

Dated at Salem, Oregon this 16 day of August, 1984.


WILLIAM H. YOUNG, SR.
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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