

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION OF )  
RON THEALL FOR APPROVAL OF CHANGES )  
IN PLACE OF USE AND POINT OF )  
DIVISION OF WATER )

ORDER APPROVING  
TRANSFER 4874

-----

On August 19, 1981, an application was filed in the office of the Water Resources Director by Ron Theall for approval of changes in place of use and point of diversion of water from waste water, tributary to Goose Lake, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 32560, Volume 24, State Record of Water Right Certificates, in the name of Mrs. Urcie Lamb, describes a right for the use of not to exceed 0.30 cubic foot per second from waste water, tributary to Goose Lake, for irrigation of 3.6 acres in NW 1/4 NE 1/4, 0.6 acre in SW 1/4 NE 1/4 and 7.2 acres in SE 1/4 NW 1/4, Section 6, Township 41 South, Range 19 East, WM, with a date of priority of June 14, 1960.

Water for the said right is diverted from a point located 50 feet North and 1,600 feet East from the West Quarter of Section 6, being within the SE 1/4 NW 1/4 of Section 6, Township 41 South, Range 19 East, WM.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof 11.4 acres in SE 1/4 NW 1/4, Section 5, Township 41 South, Range 19 East, WM, from a point located 260 feet South and 1,700 feet East from the North Quarter Corner of Section 6, being within the NE 1/4 NE 1/4, Section 6, Township 41 South, Range 19 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 September 24, October 1 and 8, 1981.

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

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

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion 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 headgates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

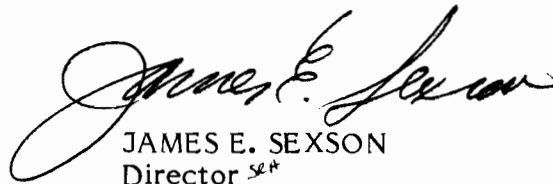
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion 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 32560, Volume 24, State Record of Water Right Certificates, is canceled; 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 30th day of November, 1981.

  
JAMES E. SEXSON  
Director <sup>SR</sup>

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.

8098A