

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION OF)
ERWIN ABRAMSON) ORDER APPROVING
FOR APPROVAL OF A CHANGE IN POINT) TRANSFER 6194
OF DIVERSION OF WATER)

An application was filed with the Water Resources Director by Erwin Abramson for approval of a change in point of diversion of water from Thomas Creek as provided by ORS 540.510 to 540.530.

Certificate 5232, in the name of Alice B. Curtis describes a right limited to 2.25 cubic feet per second from Thomas Creek for irrigation of a certain 10.0 acres SE 1/4 NW 1/4, 40.0 acres NE 1/4 SW 1/4, 10 acres SW 1/4 SW 1/4, 30.0 acres SE 1/4 SW 1/4 of Section 31, Township 38 South, Range 20 East, W.M. The date of priority is 1880.

Certificate 5257, in the name of N. C. Nelson describes a right limited to 0.25 cubic foot per second from Thomas Creek for irrigation of a certain 10.0 acres SE 1/4 SW 1/4 of Section 31, Township 38 South, Range 20 East, W.M. The date of priority is 1880.

Certificate 29012, in the name of Erwin Abramson describes a right limited to 1.78 cubic feet per second from Thomas Creek for irrigation of a certain 9.1 acres SW 1/4 NW 1/4, 35.8 acres NW 1/4 SW 1/4, 26.3 acres SW 1/4 SW 1/4 of Section 31, Township 38 South, Range 20 East, W.M. The date of priority is April 22, 1957.

Water for said rights are diverted from a point located 330 feet north and 1200 feet east from the W 1/4 corner of Section 31, being within the SW 1/4 NW 1/4, Section 31, Township 38 South, Range 20 East, W.M.

The applicant proposes to change the point of diversion therefrom to a point located 770 feet south from the northeast corner of Section 25, being within the NE 1/4 NE 1/4, Section 25, Township 38 South, Range 19 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Lake County Examiner, for a period of three weeks in the issues of March 23 and 30 and April 6, 1989.

No objections were filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the proposed change should be approved.

NOW, THEREFORE, it is hereby ORDERED that the proposed change in point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the original point of diversion under the subject right.

It is FURTHER ORDERED that when in the judgement of the Watermaster it becomes necessary to install headgates and measuring devices:

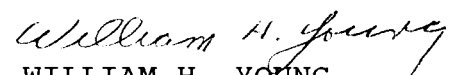
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 right to divert water from the point described in Certificates 5232, 5257, and 29012 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1991.

It is FURTHER ORDERED that certificates 5232, 5257, and 29012 are 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, confirming certificates of water right shall be issued.

Dated this 18th day of October, 1989.


WILLIAM H. YOUNG
Director

NOTE: Approval of the 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.