

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION OF)
JEREMIAH O'LEARY FOR APPROVAL OF) ORDER APPROVING
CHANGES IN PLACE OF USE AND POINT) TRANSFER 5815
OF APPROPRIATION OF WATER)

On June 5, 1986, an application was filed in the office of the Water Resources Director by Jeremiah O'Leary 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 right established by performance under the terms of Permit G-9201, in the name of Jeremiah O'Leary, includes the use of not to exceed 1.77 cubic feet per second from a well located 1080 feet North and 220 feet West from the Southeast Corner of Section 28, being within the SE 1/4 SE 1/4 of Section 28, Township 28 South, Range 15 East, WM, for irrigation of:

5.5 acres NE 1/4 SW 1/4
40.0 acres SE 1/4 SW 1/4
2.6 acres NW 1/4 SE 1/4
21.5 acres SW 1/4 SE 1/4
Section 27

31.6 acres NW 1/4 NE 1/4
36.5 acres NE 1/4 NW 1/4
4.2 acres NW 1/4 NW 1/4
Section 34

Township 28 South, Range 15 East, WM

with a date of priority of January 26, 1981.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom to irrigation of:

0.1 acre NW 1/4 NE 1/4
0.2 acre SW 1/4 NE 1/4
33.6 acres NE 1/4 NW 1/4
34.2 acres NW 1/4 NW 1/4
36.0 acres SW 1/4 NW 1/4
35.4 acres SE 1/4 NW 1/4
1.8 acres NE 1/4 SW 1/4
0.6 acre NW 1/4 SW 1/4
Section 6

Township 27 South, Range 16 East, WM,

and to change the point of appropriation to a well located 1370 feet South and 1430 feet East from the Northwest Corner of Section 6, being within the SE 1/4 NW 1/4 of Section 6, Township 27 South, Range 16 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Lake County Examiner, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of July 24, 31 and August 7, 1986.

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 1.77 cubic feet 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;

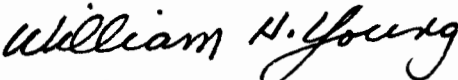
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Permit G-9201, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the right to appropriate water from the well described in Permit G-9201 is hereby canceled, and water shall be used from the new well by October 1, 1988.

It is FURTHER ORDERED that 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 applicant herein.

Dated at Salem, Oregon, this 14th day of October, 1986.


WILLIAM H. YOUNG, *Director*
Director

NOTE: 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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