

BEFORE THE STATE ENGINEER OF OREGON

Klamath County

IN THE MATTER OF THE APPLICATION)
OF ROY T. AND MARGARET ANNE)
WHITLATCH FOR THE APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM LOST RIVER.)

O R D E R
APPROVING APPLICATION

On February 20, 1952, Roy T. and Margaret Anne Whitlatch of Route 2, Box 792-A, Klamath Falls, Oregon, filed an application for the approval of a change in point of diversion of water from Lost River, pursuant to the provisions of Section 116-606, O. C. L. A.

In the adjudication proceedings determining the relative rights to the use of the waters of Lost River and its tributaries a water right was adjudicated in the name of Francis J. Bowme for the irrigation of, among other lands, 39 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 39 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 38 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 36 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 15 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, and 38 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 38 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 39 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 38 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 39 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 37 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 39 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 39 South, Range 11 East, W. M., from Lost River, with a date of priority of 1902. These lands are irrigated through the Bowme ditch, the point of diversion of said ditch being located South 31 degrees 2 minutes East 2757.4 feet from the north quarter corner of Section 17, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 17, Township 39 South, Range 11 East, W. M.

The applicants herein, owners of 349.5 acres of the lands above described, to-wit: 1.8 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 35.1 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 11 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 36 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 15 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17 and 21.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$,

37.7 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 39 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 38 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 38.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 27.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 38.7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 39 South, Range 11 East, W. M., propose to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located North 34 degrees 1 $\frac{1}{2}$ minutes East 814.6 feet from the southwest corner of Section 17, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 17, Township 39 South, Range 11 East, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was given in the Herald and News, a newspaper printed and having general circulation in Klamath County, Oregon, for a period of three weeks, being the issues of July 11, 18 and 25, 1952. The date fixed for hearing in said notice, namely: September 4, 1952, was not less than 30 days after the last publication of said notice.

Mr. William L. Wales, Watermaster, District No. 19, has filed a report to the effect that the proposed change in point of diversion of water from Lost River may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water from Lost River may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Lost River, to-wit:

From a point located South 31 degrees 2 minutes East 2757.4 feet from the North quarter corner of Section 17, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 17, Township 39 South, Range 11 East, W. M.,


To a point to be located North 34 degrees 1 $\frac{1}{2}$ minutes east 814.6 feet from the southwest corner of Section 17, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 17, Township 39 South, Range 11 East, W. M.

for the irrigation of 1.8 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 35.1 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 11 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 36 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 15 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17 and 21.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 37.7 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 39 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 38 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 38.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 27.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 38.7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 39 South, Range 11 East, W. M., with a date of priority of 1902, be and the same hereby is approved.

it is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1953 or within such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

Dated at Salem, Oregon this 9th day of September 1952.

Noted on Decree
Vol. 5 p 97
Cert. 2271


CHAS. E. STRICKLIN
State Engineer