

Klamath County

IN THE MATTER OF THE APPLICATION)
 OF STEVEN W. CASEBEER FOR THE)
 APPROVAL OF A CHANGE IN POINT OF)
 DIVERSION OF WATER FROM LOST RIVER)

ORDER APPROVING
TRANSFER NO. 3163

On January 29, 1975, Steven W. Casebeer filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Lost River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Francis J. Bowne and recorded at Page 2271, Volume 3, State Record of Water Right Certificates, confirms a right to the use of not to exceed 9.27 cubic feet per second of water from Lost River for the irrigation of, among other lands, 39.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 33.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, 14.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 40.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 39 South, Range 11 East, W.M., with a date of priority of 1902. Certificate of water right issued to Francis J. Bowne and recorded at Page 4782, Volume 5, State Record of Water Right Certificates, confirms a right to the use of not to exceed 9.7 cubic feet per second of water from Lost River for the irrigation of, among other lands, 34.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 39 South, Range 11 East, W.M., with a date of priority of 1902. These lands are irrigated from a point of diversion located South 31° 02' East 2754.4 feet from the North quarter-corner of Section 17, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 39 South, Range 11 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located North 24° 14' 10" East 3270.6 feet from the Southwest corner of Section 16, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 39 South, Range 11 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Klamath Falls, Oregon, on March 9, 1976, at 9:30 a.m. The notice was published in the Herald and News, a newspaper printed and having general circulation in Klamath County, Oregon, for a period of three weeks in the issues of January 15, 22, and 29, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Donald E. Knauer, Watermaster of District No. 17, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

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

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

From a point located South $31^{\circ} 02'$ East 2754.4 feet from the North quarter-corner of Section 17, being within the $SE\frac{1}{4} NE\frac{1}{4}$ of Section 17, Township 39 South, Range 11 East, W.M.

To a point to be located North $24^{\circ} 14' 10''$ East 3270.6 feet from the Southwest corner of Section 16, being within the $SE\frac{1}{4} NW\frac{1}{4}$ of Section 16, Township 39 South, Range 11 East, W.M.

for the irrigation of 39.0 acres in $SW\frac{1}{4} SW\frac{1}{4}$, 33.7 acres in $SE\frac{1}{4} SW\frac{1}{4}$, 7.2 acres in $SW\frac{1}{4} SE\frac{1}{4}$ of Section 9, 14.6 acres in $NW\frac{1}{4} NE\frac{1}{4}$, 40.0 acres in $NE\frac{1}{4} NW\frac{1}{4}$, 40.0 acres in $NW\frac{1}{4} NW\frac{1}{4}$, and 34.0 acres in $SW\frac{1}{4} NW\frac{1}{4}$ of Section 16, Township 39 South, Range 11 East, W.M., with a date of priority of 1902, is approved.

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, 1977.

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, and shall not exceed 2.6 cubic feet per second.

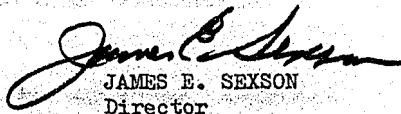
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices:

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 certificates of water right heretofore issued to Francis J. Bowne and recorded at Page 2271, Volume 3, and Page 4782, Volume 5, State Record of Water Right Certificates, are canceled, and in lieu thereof two new certificates be issued covering the balance of the rights not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion two certificates of water right shall be issued to Steven W. Casebeer confirming the change in point of diversion.

Dated at Salem, Oregon, this 11th day of March, 1976.


JAMES E. SEXSON
Director