

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

KLAMATH COUNTY

IN THE MATTER OF THE APPLICATION )  
OF STEVEN W. CASEBEER FOR APPRO- )  
VAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER 5073

On June 10, 1982, an application was filed in the office of the Water Resources Director by Steven W. Casebeer for approval of a change in point of diversion of water from Lost River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Klamath County, Oregon, entered September 12, 1918, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Lost River and Its Tributaries, a water right was established in the name of Francis J. Bowne, tabulated in Volume 5, page 97, Order Record of the Water Resources Director, for use of the waters of Lost River for irrigation of, among other lands, a certain 12.8 acres in SW 1/4 SE 1/4, Section 9 and 5.4 acres in NW 1/4 NE 1/4, Section 16, Township 39 South, Range 11 East, WM, with a date of priority of 1902, as evidenced by the certificate recorded at page 43600, Volume 35, State Record of Water Right Certificates.

By Supplemental Decree of the said Court, entered October 23, 1922, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Lost River and Its Tributaries, a water right was established in the name of Francis J. Bowne, tabulated in Volume 7, page 74, Order Record of the Water Resources Director, for use of the waters of Lost River for irrigation of, among other lands, a certain 7.5 acres in SW 1/4 SE 1/4, Section 9 and 5.0 acres in NW 1/4 NE 1/4, Section 16, Township 39 South, Range 11 East, WM, with a date of priority of 1902, as evidenced by the certificate recorded at page 43601, Volume 35, State Record of Water Right Certificates.

Water for the said rights is diverted from a point located South 31° 02' East, 2,754.4 feet from the North Quarter Corner of Section 17, being within the SE 1/4 NE 1/4 of Section 17, Township 39 South, Range 11 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 555 feet South and 1,475 feet West from the Northeast Corner of Section 16, being within the NW 1/4 NE 1/4 of Section 16, Township 39 South, Range 11 East, WM.

Notice of the application, pursuant to ORS 540.520(2), 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 June 29, July 6 and 13, 1982.

Delbert Sparks, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

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 old point of diversion under the subject rights, and shall not exceed 0.39 cubic foot 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 headgates and measuring devices:

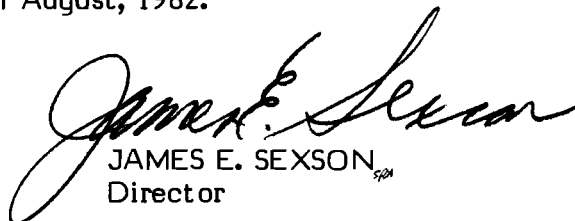
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1984.

It is FURTHER ORDERED that the certificates recorded at pages 43600 and 43601, Volume 35, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 30th day of August, 1982.



JAMES E. SEXSON  
Director

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.

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