

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION )  
OF BELL A LAND AND CATTLE CO. FOR )  
APPROVAL OF CHANGES IN PLACE OF )  
USE AND POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3187

On March 26, 1975, an application was filed in the office of the Water Resources Director by Bell A Land and Cattle Co. for approval of changes in place of use and point of diversion of water from Silver Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is a portion of the right described by Finding No. 11, recorded at page 534, Volume 7, Findings and Decree of the Lake County Court in the Matter of Hough v Porter, in the name of John C. Porter, and is for the use of not to exceed 2.67 cubic feet per second from Silver Creek, under a priority date of September 1, 1885, for irrigation of 40.0 acres in NE 1/4 NE 1/4, 40.0 acres in NW 1/4 NE 1/4, 40.0 acres in SW 1/4 NE 1/4 and 40.0 acres in SE 1/4 NE 1/4, Section 23, Township 28 South, Range 14 East, W.M.

The authorized point of diversion is located within the NW 1/4 SE 1/4, Section 21, Township 28 South, Range 14 East, W.M. (West, Porter & Martin Ditch).

The applicant proposes to sever the right therefrom and to irrigate in lieu thereof a certain 40.0 acres in SW 1/4 NW 1/4, 40.0 acres in SE 1/4 NW 1/4, 40.0 acres in NE 1/4 SW 1/4 and 40.0 acres in NW 1/4 SW 1/4, Section 11, Township 28 South, Range 14 East, W.M., from a point located 800 feet South and 1250 feet West from the Northeast Corner of Section 15, being within the NE 1/4 NE 1/4, Section 15, Township 28 South, Range 14 East, W.M. (Cliff Ditch).

Notice of the application, pursuant to ORS 540.520(2), was published in the Lake County Examiner, a newspaper printed and having general circulation in Lake County, Oregon, for a period of three weeks in the issues of May 29, June 5 and 12, 1980.

Mr. Dennis R. Glender, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion 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 diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

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 under the subject right.

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;

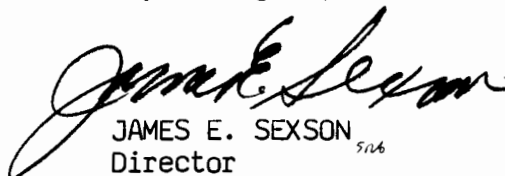
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1981.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that 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 1st day of August, 1980.

  
JAMES E. SEXSON  
Director