

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
KLAMATH COUNTY

IN THE MATTER OF THE APPLICATION)	
OF ROBERT G. FLOWERS AND MARTIN D.)	
SCULL FOR APPROVAL OF ADDITIONAL)	ORDER APPROVING
POINTS OF DIVERSION OF WATER)	TRANSFER 5225

On March 25, 1983, an application was filed in the office of the Water Resources Director by Robert G. Flowers and Martin D. Scull for approval of additional points of diversion of water from Klamath River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 20710, Volume 15, State Record of Water Right Certificates, in the name of the Estate of Frank J. Flowers, describes a right for the use of not to exceed 2.5 cubic feet per second from Klamath River, for irrigation of a certain 40.0 acres NW 1/4 NW 1/4, 40.0 acres NE 1/4 NW 1/4, 40.0 acres SE 1/4 NW 1/4, 12.6 acres Lot 8 (NE 1/4 SW 1/4), 29.10 acres Lot 9 (SW 1/4 NW 1/4), Section 22; 17.3 acres Lot 4 (SW 1/4 SW 1/4), 7.87 acres Lot 5 (SE 1/4 SW 1/4), 9.4 acres Lot 6 (SW 1/4 SE 1/4), 3.0 acres Lot 7 (SE 1/4 SE 1/4), Section 15, Township 40 South, Range 8 East, WM, with a date of priority of June 16, 1919.

Water for the said right is diverted from Point 1, located 400 feet North from the Southwest Corner of Section 15, being within the SW 1/4 SW 1/4 of Section 15, Township 40 South, Range 8 East, WM.

The applicants herein, owners of the lands above described, propose to add two points of diversion to be located 2) 750 feet North and 950 feet West; 3) 180 feet North and 2580 feet West from the Southeast Corner of Section 15, being within the 2) SE 1/4 SE 1/4 and 3) SW 1/4 SE 1/4 of Section 15, Township 40 South, Range 8 East, WM. The additional points of diversion are reported to be completed.

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 13, 20, and 27, 1983.

Del Sparks, Watermaster, has filed a statement to the effect that the proposed additional points of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed additional points of diversion are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new points 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 right, and shall not exceed 2.5 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 headgates and measuring devices:

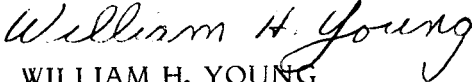
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 water used from the proposed point of diversion on or before October 1, 1985.

It is FURTHER ORDERED that the certificate recorded at page 20710, Volume 15, State Record of Water Right Certificates, is canceled; 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 applicants herein.

Dated at Salem, Oregon this 3rd day of November, 1983.


WILLIAM H. YOUNG
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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