

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF LAKE CREEK LODGE, INC., FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3821

On October 12, 1977, an application was filed in the office of the Water Resources Director by Lake Creek Lodge, Inc., for approval of a change in point of diversion from Lake Creek, pursuant to the provisions of ORS 540.510 to 540.530

By Decree of the Circuit Court for Deschutes County, Oregon, entered February 10, 1928, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Deschutes River and Its Tributaries, a water right was allowed in the name of Martin Hansen for the use of the waters of Lake Creek for irrigation of, among other lands, a certain 20.0 acres in SW 1/4 NW 1/4, Section 15, Township 13 South, Range 9 East, W.M., being tabulated at Volume 9, page 499, with a date of priority of 1888, as evidenced by certificate of water right recorded at page 13625, Volume 12, State Record of Water Right Certificates.

Water for the said right is diverted from a point located 2320 feet South and 1120 feet West from the Northeast Corner of Section 16, being within the SE 1/4 NE 1/4 of Section 16, Township 13 South, Range 9 East, W.M.

The applicant herein proposes to change the point of diversion therefrom, without loss of priority, to a point located 2320 feet South and 100 feet East from the Northwest Corner of Section 15, being within the SW 1/4 NW 1/4, Section 15, Township 13 South, Range 9 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Madras Pioneer, a newspaper printed and having general circulation in Jefferson County, Oregon, for a period of three weeks in the issues of June 26, July 3 and 10, 1980.

Mr. Robert F. Main, Jr., 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 shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 3 acre feet per acre, measured at the point of diversion from the stream, which may be diverted at a rate not to exceed 1/60th of one cubic foot per second per acre during the irrigation season from May 1 to September 15.

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:

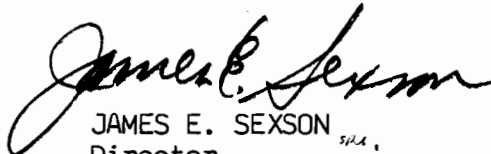
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 13625, Volume 12, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right 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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 22nd day of August, 1980.


JAMES E. SEXSON
Director