

BEFORE THE STATE ENGINEER OF OREGON

Klamath County

IN THE MATTER OF THE APPROVAL OF )  
THE APPLICATION OF GEO. E. STEVENSON )  
FOR A CHANGE IN PLACE OF USE AND )  
POINT OF DIVERSION OF WATER FROM )  
LOST RIVER. )  
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ORDER  
APPROVING APPLICATION

On January 22, 1954 Geo. E. Stevenson of Route 2, Box 810, Klamath Falls, Oregon, filed an application for the approval of a change in place of use and point of diversion of water, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Klamath County, 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 adjudicated in the name of Rex E. Bord for the irrigation of, among other lands, 10 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 11 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 2 and 24 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 10.5 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 11, Township 39 South, Range 10 East, W. M., from Lost River, by means of a pumping plant, with a date of priority of 1888. The point of diversion of the pumping plant is located North 42 degrees 37 $\frac{1}{2}$  minutes East 662.4 feet from the Southwest corner of Section 12, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 12, Township 39 South, Range 10 East, W. M.

The applicant herein, owner of 42.4 acres of the lands above described, to-wit: 10 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 11 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 2 and 10.9 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 10.5 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 11, Township 39 South, Range 10 East, W. M., proposes to transfer the water rights therefrom without loss of priority to 17.8 acres in Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), 10.2 acres in Lot 2 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) and 14.4 acres in Lot 1 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 13, Township 39 South, Range 10 East, W. M., and to move the pumping plant for the irrigation

of the lands to which it is proposed to transfer the water to a point to be located North 55 degrees 31 $\frac{1}{2}$  minutes East 930.7 feet from the Southwest corner of Section 12, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 12, Township 39 South, Range 10 East, W. M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on applications for a change in place of use and point of diversion of water where the change in point of diversion is less than one-fourth mile and there are no intervening diversions.

From a report submitted by Mr. William L. Wales, Watermaster of District No. 19, it appears that the proposed change in place of use and point of diversion of water from Lost River may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from Lost River be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 10 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 11 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 2, and 10.9 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 10.5 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 11, Township 39 South, Range 10 East, W. M., with a date of priority of 1888, be severed therefrom and simultaneously and without loss of priority transferred to 17.8 acres in Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), 10.2 acres in Lot 2 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) and 14.4 acres in Lot 1 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 13, Township 39 South, Range 10 East, W. M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Lost River, to-wit:

From a point located North 42 degrees 37 $\frac{1}{2}$  minutes East 662.4 feet from the Southwest corner of Section 12, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 12, Township 39 South, Range 10 East, W. M.,

To a pumping plant to be located North 55 degrees 31 $\frac{1}{2}$  minutes East 930.7 feet from the Southwest corner of Section 12, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 12, Township 39 South, Range 10 East, W. M.,

for the irrigation of the lands to which the water was transferred hereby with a date of priority of 1888 be and the same hereby 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 that is available at the old point of diversion.

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 pumping plant be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

That the location of the pumping plant and channel to convey the water to the pump and the plans of the headgate and weir or measuring device be approved before the beginning of construction work by the watermaster of Klamath County, Oregon and that the headgate, weir or measuring device be constructed under the general supervision of said watermaster.


It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1955 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, Certificate of Water Right shall be issued to Geo. E. Stevenson or his successors in interest, to the extent to which the water has been applied beneficially and the Certificate of Water Right heretofore issued to Rex E. Bord and recorded on Page 2270, Volume 3, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon this 16th day of February, 1954.

*Noted on Decree  
Vol. 5, p. 97  
Cert. 2270*

*5-96*

  
CHAS. E. STRICKLIN  
State Engineer