

Heaton Steel & Supply Co.
2957 42 & Spring St.
Klamath Falls, Or.

2957

STATUS OF APPLICATION

Change in point of diversion
Date filed 1-17-74
Date of hearing May 28, 1974
Place of hearing Klamath Co Courthouse
Date of order 5/29/74 Vol. 24, page 465
Date for application of water 10-1-74
Proof mailed _____
Proof received _____
Certificate issued JAN 31 1978 Vol. _____, page 45158
JAN 29 1979 40 Survey 10/ 47296

DESCRIPTION OF WATER RIGHT

Name of stream Five Mile Creek
Trib. of KLAMATH RIVER County of Klamath
Use irrigation
Quantity of water _____ No. of acres 14.0
Name of ditch Ditch "A" & "B"
Date of priority Jan. 16, 1961
In name of Heaton Steel and Supply Co.
_____ Adjudication, Vol. _____, page _____
App. No. 34563 Per. No. 27145 Cert. No. 30971
Certificate cancelled _____
Notation made on record by _____

FEES PAID

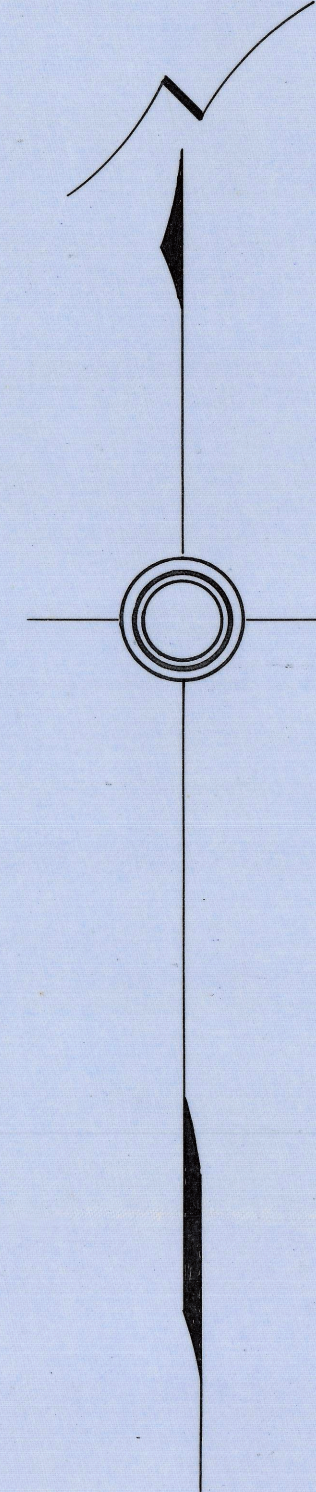
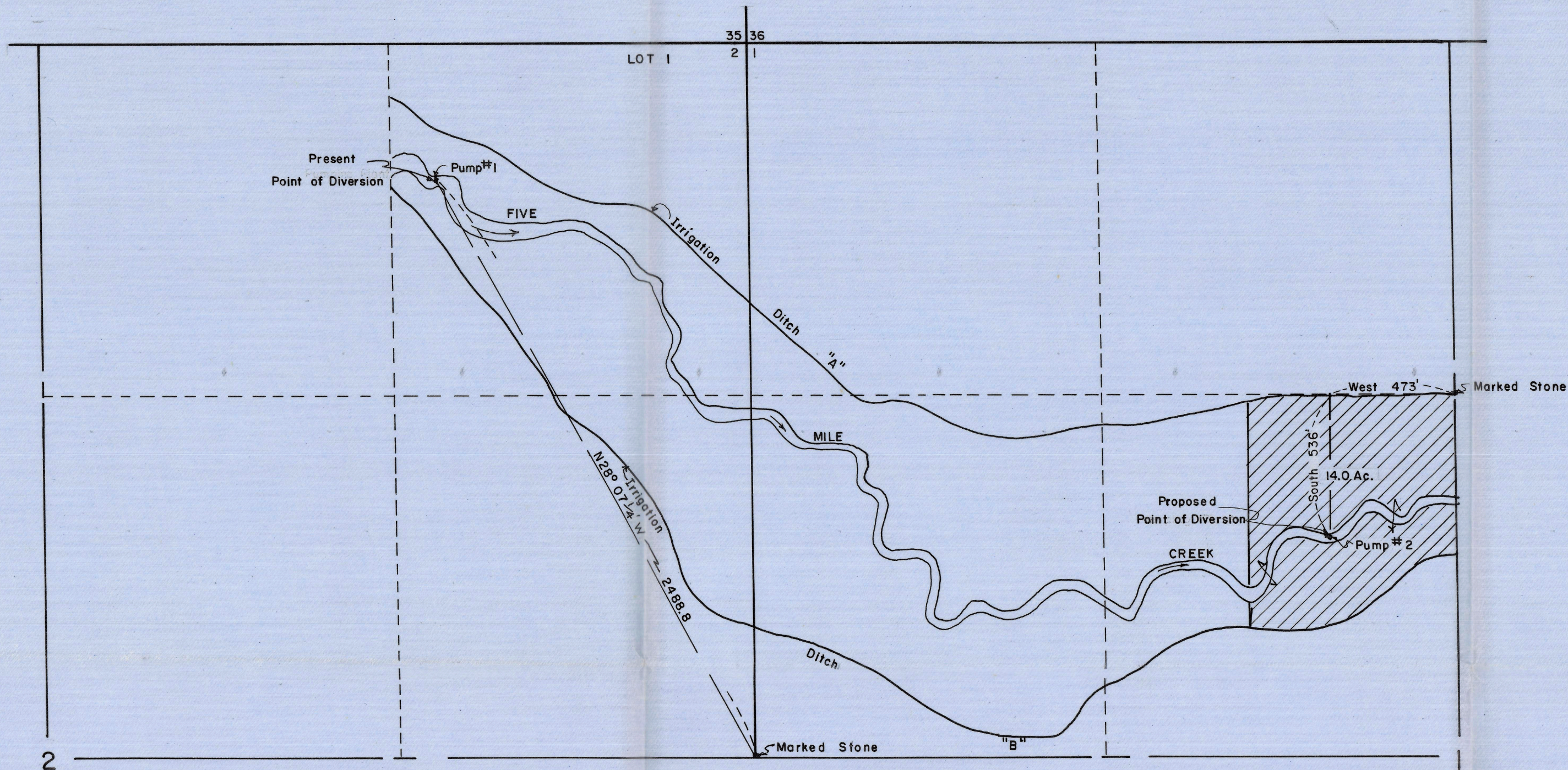
Date	Amount	Receipt No.
<u>1-17-74</u>	<u>30.00</u>	<u>38260</u>
<u>2-22-74</u>	<u>40.00 P.O.N.</u>	<u>38785</u>
TOTAL . . .		
<u>4-19-74</u>	<u>3⁰⁰ Cert. Fee</u>	<u>from P.O.N.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>4-19-74</u>	<u>\$5.51 P.O.N.</u>	<u>5740</u>

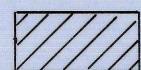
REMARKS

	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>WH</u>	<u> </u>
<input checked="" type="checkbox"/>	Stream	<u>WH</u>	<u> </u>
<input checked="" type="checkbox"/>	Pt. of Div.	<u>WH</u>	<u> </u>
<input checked="" type="checkbox"/>	Calendar	<u>WH</u>	<u> </u>
<input checked="" type="checkbox"/>	CHICKED TO RECORDS:		
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>WH</u>	<u> </u>
<input type="checkbox"/>	Decree-vault	<u> </u>	<u> </u>
<input type="checkbox"/>	Decree-safe	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u>WH</u>	<u> </u>
<input checked="" type="checkbox"/>	Per. folder	<u>WH</u>	<u> </u>
<input type="checkbox"/>	Chcindex	<u> </u>	<u> </u>
<input type="checkbox"/>	Cross Ref.	<u> </u>	<u> </u>
<input type="checkbox"/>	Power Claim	<u> </u>	<u> </u>
<input type="checkbox"/>	Abstracts	<u> </u>	<u> </u>

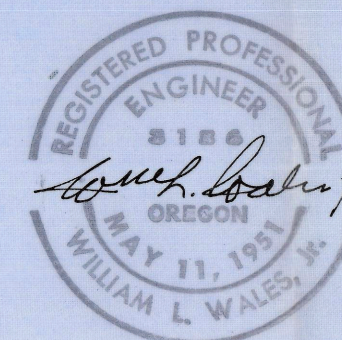


RECEIVED
JAN 17 1974
STATE ENGINEER
SALEM, OREGON

SECTIONS 1 & 2 T.36S., R.13E., W.M.



LANDS TO BE IRRIGATED THROUGH NEW
POINT OF DIVERSION



MAP SHOWING			
CHANGE OF POINT OF DIVERSION			
BY			
HEATON STEEL & SUPPLY, INC.			
KLAMATH COUNTY			OREGON
SCALE	1 in. = 400 ft	JANUARY 14, 1974	SHEET 1 OF 1
DRAWN	WILLIAM L. WALES & ASSOCIATES Consulting Engineers Klamath Falls, Oregon	JOB NO.	
BY E.W.K.		101-74	
CHECKED			
BY W.L.W.			

T-2957

STATE OF OREGON

COUNTY OF CLATSOP

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HEATON STEEL and SUPPLY, INC.

of 122 Spring Street, Clatsop Falls, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Five Mile Creek

a tributary of North Fork Sprague River for the purpose of irrigation of ~~61.2~~ ^{67.2} acres

under Permit No. 27145 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 16, 1961,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

~~2.03~~ cubic feet per second

1.68

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the Lot 1 (NE 1/4 NW 1/4), Section 2, T. 36 S., R. 13 E., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

1.6 acres NW 1/4 NW 1/4
30.3 acres SW 1/4 NW 1/4
100 ~~24.0~~ acres SE 1/4 NW 1/4
Section 1
17.6 acres NE 1/4 NE 1/4
7.7 acres SE 1/4 NE 1/4
Section 2
T. 36 S., R. 13 E., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered 11/11/62 and together with certificate of water right recorded on Page 45158, Volume 17, SRWRC supersedes certificate of water right recorded on Page 30371, Volume 23, SRWRC.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

this date.

JUNE 5 1963

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page 30371

BEFORE THE STATE ENGINEER OF OREGON

Klamath County

IN THE MATTER OF THE APPLICATION
OF HEATON STEEL AND SUPPLY, INC. }
FOR THE APPROVAL OF A CHANGE IN }
POINT OF DIVERSION OF WATER FROM }
FIVE MILE CREEK }

ORDER APPROVING
TRANSFER 2957

On January 17, 1974, Heaton Steel and Supply, Inc. filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Five Mile Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Heaton Steel and Supply, Inc. and recorded at page 30971, Volume 23, State Record of Water Right Certificates, confirms a right to the use of not to exceed 2.03 cubic feet per second of water from Five Mile Creek for the irrigation of, among other lands, 14.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 36 South, Range 13 East, W.M., with a date of priority of January 16, 1961. These lands are irrigated by means of ditch "A" and ditch "B" from a point of diversion located North 28° 07 $\frac{1}{4}$ ' West, 2488.8 feet from the East quarter corner of Section 2, being within Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 2, Township 36 South, Range 13 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 536 feet South and 473 feet West from the Northeast corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 36 South, Range 13 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Klamath Falls, Oregon, on May 28, 1974, at 9:30 a.m.

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The notice 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 April 1, 8, and 15, 1974. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. V. Kent Searles, Watermaster of District No. 17, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Five Mile Creek, to wit:

From a point located North $28^{\circ} 07'$ West, 2488.8 feet from the East quarter corner of Section 2, being within Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), of Section 2, Township 36 South, Range 13 East, W.M.

To a point to be located 536 feet South and 473 feet West from the Northeast corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 36 South, Range 13 East, W.M.

for the irrigation of 14.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 36 South, Range 13 East, W.M., with a date of priority of January 16, 1961, is approved.

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, 1974.

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, and shall not exceed 0.35 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

That the diversion works shall include an in line flow meter, a weir, or other suitable devices 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 certificate of water right heretofore issued to Heaton Steel and Supply, Inc. and recorded at Page 30971, Volume 23, State Record of Water Right Certificates, is canceled, and in lieu thereof, a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Heaton Steel and Supply, Inc. confirming the change in point of diversion.

Dated at Salem, Oregon, this 29th day of May, 1974.

CHRIS L. WHEELER
State Engineer

Affidavit of Publication

STATE OF OREGON,
COUNTY OF KLAMATH

ss.

I, Clara M. Dent

being first duly sworn, depose and say
that I am the principal clerk of the pub-
lisher of the Herald and News

a newspaper of general circulation, as de-
fined by Chapter 193 ORS, printed and
published at Klamath Falls in the aforesaid
county and state; that the
notice

a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for three successive
and consecutive week s ~~days~~ (3 inser-
tion s) in the following issue s:

April 1, 8, 15, 1974

Total Cost \$31.49

Clara M. Dent

Subscribed and sworn to before me this 15th
day of April, 19 74

Benjamin E. Carter
Notary Public of Oregon.

My commission expires Nov 11, 1975

(COPY

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that
Heaton Steel and Supply, Inc., has
filed an application for the approval
of a change in point of diversion of
water from Five Mile Creek.

Certificate of water right issued
to Heaton Steel and Supply, Inc.,
and recorded at page 30971, Volume
23, State Record of Water Right
Certificates, confirms a right to the
use of 2.03 cubic feet per second
from Five Mile Creek for the
irrigation of, among other lands,
14.0 acres in the SE 1/4 NW 1/4, Sec. 1,
T. 36 S., R. 13 E., W.M. with a date
of priority of Jan. 16, 1961. Water
for this use is diverted by means of
two ditches from a point located N.
28 degrees 07 1/4' W. 2488.8 ft. from
the East 1/4 corner of Sec. 2, being
within the NE 1/4 NE 1/4 (Lot 1) of
Sec. 2, T. 36 S. R. 13 E., W.M.

The applicant herein, owner of
the land above described, proposes
to divert water from a point to be
located 536 ft. S. and 473 ft. W. from
the NE corner of Sec. 1, being
within the SE 1/4 NW 1/4, Sec. 1, T. 36
S., R. 13 E., W.M.

All persons interested are
notified hereby that a hearing will
be held at the county courthouse at
Klamath Falls on May 28, 1974 at
9:30 a.m. All objections to the
proposed change, if any there are,
will be heard at said time and
place. Any and all objections shall
be prepared in writing, one copy to
be served on Heaton Steel and
Supply, Inc., 428 Spring St.,
Klamath Falls, Oregon, and one
copy filed with the State Engineer,
Salem, Oregon, together with a \$5
filing fee at least 10 days prior to
the date set for hearing. If no ob-
jections are filed, the application
may be approved by the State
Engineer without a hearing.

Dated at Salem, Oregon, this 25th
day of March, 1974.

CHRIS L. WHEELER
State Engineer

No. 377: April 1, 8, 15, 1974.

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APR 19 1974

STATE ENGINEER
SALEM, OREGON