

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION OF)
W.J. CODY FOR APPROVAL OF A CHANGE)
IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 5423

On December 14, 1983, an application was filed in the office of the Water Resources Director by W.J. Cody for approval of a change in place of use of water from Middle Fork Gate Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 8489, Volume 8, State Record of Water Right Certificates, in the names of M.L. Kinney, W.E. Lucas and Mrs. Jessie Lucas, describes a right which includes the use of not to exceed 0.06 cubic foot per second from Middle Fork Gate Creek, for irrigation of 5.0 acres in SW 1/4 NW 1/4, Section 20, Township 4 South, Range 12 East, WM with a date of priority of October 17, 1921. This land has a supplemental right under Certificate 46367.

Water for the said right is diverted, through the Rock Creek Ditch, from a point located 877 feet South and 2100 feet West from the West Quarter Corner of Section 18, being within the NW 1/4 SE 1/4 of Section 13, Township 4 South, Range 10 East, WM.

The applicant herein proposes to transfer the right therefrom to a certain 5.0 acres in NE 1/4 NE 1/4, Section 29, Township 4 South, Range 12 East, WM.

Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

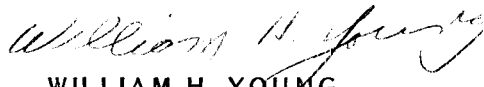
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is approved, without loss of priority.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1985.

It is FURTHER ORDERED that the certificate recorded at page 8489, Volume 8, 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 13th day of January, 1984.


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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