

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WHEELER COUNTY

IN THE MATTER OF THE APPLICATION)
OF KENNETH TAYLOR FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM GABLE CREEK)

ORDER APPROVING
TRANSFER NO. 3165

On February 7, 1975, an application was filed in the office of the Water Resources Director by Kenneth Taylor for approval of a change in points of diversion of water from Gable Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 13566, Volume 12, State Record of Water Right Certificates, in the name of Orlando Gillenwater, describes a right which includes the use of water from Gable Creek for irrigation of tract No. 1 consisting of 16.7 acres in NW¹/₄ SE¹/₄ and 9.6 acres in SW¹/₄ SE¹/₄ of Section 5; and of tract No. 2 consisting of 1.0 acre in NW¹/₄ SE¹/₄ and 11.0 acres in SW¹/₄ SE¹/₄ of Section 5, all being in Township 12 South, Range 21 East, W.M., with a date of priority of 1884.

The authorized point of diversion for said tract No. 1 is located 750 feet South and 2050 feet West from the Southeast Corner of Section 5, being within the NW¹/₄ NE¹/₄ of Section 8, Township 12 South, Range 21 East, W.M.; for said tract No. 2 is located 1600 feet South and 2000 feet West from the Southeast Corner of Section 5, being within the SW¹/₄ NE¹/₄ of Section 8, Township 12 South, Range 21 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the points of diversion therefrom, without loss of priority, to one point located 2530 feet North and 2140 feet West from the Southeast Corner of Section 5, being within the NW¹/₄ SE¹/₄ of Section 5, Township 12 South, Range 21 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Times-Journal, a newspaper printed and having general circulation in Wheeler County, Oregon, for a period of three weeks in the issues of March 15, 22 and 29, 1979.

Mr. Jerry Rodgers, Watermaster, has filed a statement to the effect that the proposed change in points of diversion may be made without injury to existing rights.

No objections having been made and it appearing that the proposed change in points 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 points of diversion, as described herein, without loss of priority, is approved.

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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 points of diversion under the subject right.

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:

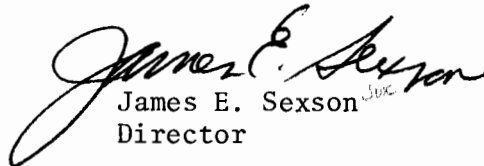
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that the certificate of water right recorded at page 13566, 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 18th day of May, 1979.


James E. Sexson
Director