

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
LYLE H. COBB FOR APPROVAL OF ) ORDER APPROVING  
CHANGES IN USE, PLACE OF USE AND ) TRANSFER 5859  
POINT OF APPROPRIATION OF WATER )

On October 1, 1986, an application was filed in the office of the Water Resources Director by Lyle H. Cobb for approval of changes in use, place of use and point of appropriation of water from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 34941, Volume 26, State Record of Water Right Certificates, in the name of Lyle H. Cobb, describes a right for the use of not to exceed 0.73 cubic foot per second from ground water for industrial use and irrigation of 6.8 acres in NE 1/4 NE 1/4, irrigation of 18.6 acres in NW 1/4 NE 1/4 and industrial use in SE 1/4 NE 1/4, Section 29, Township 1 South, Range 1 West, WM, with a date of priority of June 25, 1963.

The authorized point of appropriation is located 1315 feet South and 70 feet West from the Northeast Corner of Section 29, being within the NE 1/4 NE 1/4 of Section 29, Township 1 South, Range 1 West, WM.

The applicant herein, owner of the lands above described, proposes to change the use and place of use for 0.13 cubic foot per second of said right therefrom to industrial use in SW 1/4 NE 1/4, Section 33, Township 1 South, Range 2 West, WM; from a well located 480 feet North and 1970 feet West from the East Quarter Corner of Section 33, being within the SW 1/4 NE 1/4 of Section 33, Township 1 South, Range 2 West, WM; and to change the balance of said right for the use of 0.60 cubic foot per second to irrigation of 40.0 acres in NE 1/4 SE 1/4, Section 34 and 8.6 acres in NW 1/4 SW 1/4, Section 35, from a well located 800 feet North from the Southeast Corner of Section 34, being within the SE 1/4 SE 1/4 of Section 34, Township 1 South, Range 2 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Tigard Times, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of February 5, 12 and 19, 1987.

Clayton J. Gardner, Watermaster, has filed a statement to the effect that the proposed changes in use, place of use and point of appropriation may be made without injury to existing rights.

Marc A. Norton, Hydrogeologist, has filed a statement to the effect that the proposed changes in use, place of use and point of appropriation may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in use, place of use and point of appropriation are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water appropriated at the new wells shall not exceed the quantity of water available at the old well under the subject right, and shall not exceed 0.73 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to using water from the new well as herein confirmed:

That the pump system shall include an access port for measuring the water level;

That the pump system shall include an in-line flow meter 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 measuring device be installed under the general supervision of said Watermaster.

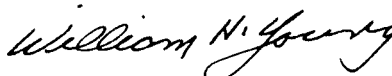
It is FURTHER ORDERED that use of water from the new wells be in conformance with the requirements of the Cooper Mountain-Bull Mountain Critical Ground Water Area order.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 34941, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the right to appropriate water from the Well described in Certificate 34941 is hereby canceled, and water shall be appropriated from the new wells on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 34941, Volume 26, State Record of Water Right Certificates, is canceled; 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 Ron Tankersley.

Dated at Salem, Oregon, this 19th day of March, 1987.

  
WILLIAM H. YOUNG  
Director

NOTE: 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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