

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION OF)
RALPH M. DUYCK FOR APPROVAL OF A) ORDER APPROVING
CHANGE IN PLACE OF USE OF WATER) TRANSFER 6183

On December 27, 1988, an application was filed in the office of the Water Resources Director by Ralph M. Duyck for approval of a change in place of use of water from East Fork Dairy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 22757, Volume 16, State Record of Water Right Certificates, in the name of Charles F. Herinckx, describes a right which includes the use of not to exceed 0.19 cubic foot per second from East Fork Dairy Creek for irrigation of a certain 7.53 acres, SW1/4 NE1/4 and 9.64 acres, SE1/4 NE1/4, Section 8, Township 1 North, Range 3 West, WM, with a date of priority of March 16, 1950.

Water for said right is diverted from a point located 1300 feet South and 925 feet West from the North Quarter corner of Section 9, being within the NE1/4 NW1/4 of Section 9, Township 1 North, Range 3 West, WM.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom to a certain:

1.08 acres SE1/4 NE1/4
0.89 acre NE1/4 SE1/4
Section 8

6.09 acres SW1/4 NW1/4
4.01 acres SE1/4 NW1/4
0.28 acre NE1/4 SW1/4
4.82 acres NW1/4 SW1/4
Section 9

Township 1 North, Range 3 West WM

Clayton J. Gardner, 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 is hereby ORDERED that the proposed change in place of use is approved, without loss of priority.

It is FURTHER ORDERED that the following provisions will be effective when in the judgement of the Watermaster it becomes necessary to install headgates and measuring devices:

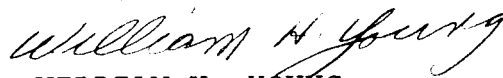
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the subject water right is hereby severed from the place of use described in Certificate 22757, and shall be beneficially used as authorized by this order on or before October 1, 1990.

It is FURTHER ORDERED that the certificate recorded at page 22757, Volume 16, 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 31st day of March, 1989.


WILLIAM H. YOUNG
Director

NOTE: Approval of the 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.