

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION)
OF KEITH J. OBERMAIER FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER)

ORDER APPROVING
TRANSFER 4105

On December 12, 1978, an application was filed in the office of the Water Resources Director by Keith J. Obermaier for approval of a change in place of use of water from Rock Creek, Threemile Creek, North Fork Gate Creek and Rock Creek Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wasco County, Oregon, entered November 30, 1923, In the Matter of the Determination of the Relative Rights to the Use of the Waters of White River and Its Tributaries, a water right was established in the name of Gate Creek and Rock Creek Ditch Company, tabulated in Volume 7, pages 213 and 214, Order Record of the Water Resources Director, for use of the waters of Rock Creek and Gate Creek for irrigation of, among other lands, a certain 1.0 acre in NE 1/4 SE 1/4, Section 17 and 3.0 acres in NW 1/4 NW 1/4, Section 28, Township 4 South, Range 12 East, WM, with a date of priority of 1875, as evidenced by the certificate recorded at page 7246, Volume 7, State Record of Water Right Certificates.

Water for the said right is diverted, through the Rock, Threemile and Gate Creek Ditches, from points located in the SW 1/4 SE 1/4, Section 14, NE 1/4 NE 1/4, Section 10, NW 1/4 SW 1/4, Section 12, and SE 1/4 NE 1/4, Section 21, Township 4 South, Range 11 East, WM; Rock Creek-1000 feet North and 1200 feet East from the S 1/4 Corner Section 14, Threemile Creek-726 feet South and 528 feet West from the Northeast Corner, Section 10, 2550 feet North and 1250 feet East from the Southwest Corner, Section 12, North Fork Gate Creek-1280 feet North and 1500 feet East from the Center, Section 21.

The applicant proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 4.0 acres in SW 1/4 SE 1/4, Section 15, 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 requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1982.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to Gate and Rock Creek Ditch Company and recorded at page 7246, Volume 7, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to Rock Creek District Improvement Company.

Dated at Salem, Oregon this 5th day of January, 1981.


JAMES E. SEXSON
Director