

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION)
OF NORMAN GERKING FOR APPROVAL)
OF A CHANGE IN POINT OF DIVER-)
SION OF WATER)

ORDER APPROVING
TRANSFER 5012

On April 15, 1982, an application was filed in the office of the Water Resources Director by Norman Gerking for approval of a change in point of diversion of water from Eightmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5600, Volume 6, State Record of Water Right Certificates, in the name of Belle Bauer, describes a right which includes the use of not to exceed 3.0 acre-feet per acre in any irrigation season from Eightmile Creek, for irrigation of 2.6 acres in NW 1/4 SW 1/4, Section 32, Township 1 North, Range 14 East, WM, with a date of priority of 1880.

Water for the said right is diverted, through the Bauer Ditch, from a point located 1,420 feet North and 100 feet West from the Southwest Corner of Section 32, being within the NE 1/4 SE 1/4 of Section 31, Township 1 North, Range 14 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1,700 feet North and 530 feet East from the Southwest Corner of Section 32, being within the NW 1/4 SW 1/4 of Section 32, Township 1 North, Range 14 East, WM.

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

No objections having been filed and it appearing that the proposed change in point 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 point of diversion, as described herein, without loss of priority, is approved, WITH THE FOLLOWING CONDITIONS.

The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

The following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:


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.

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

It is FURTHER ORDERED that the certificate recorded at page 5600, Volume 6, 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 21st day of May, 1982.


JAMES E. SEXSON
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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