

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION OF) ORDER AMENDING
KEITH OBERMAIER FOR APPROVAL OF A) PRIOR ORDERS APPROVING
CHANGE IN PLACE OF USE OF WATER) TRANSFER 4101

On December 12, 1978, and on December 17, 1981, applications were filed in the office of the Water Resources Director by Keith Obermaier for 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.

The water right involved is a portion of the right described by the certificate recorded at page 46367, Volume 39, State Record of Water Right Certificates, in the name of Rock Creek District Improvement Company.

The orders entered at page 199, Volume 34 and page 446, Volume 35, Special Order Record, approving Transfer 4101 did not correctly describe the present and proposed locations of the water right involved in the above referenced transfer.

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

No objection having been filed and it appearing that the amended 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 orders of the Water Resources Director entered at page 199, Volume 34, and page 446, Volume 35, Special Order Record, be canceled.

It is FURTHER ORDERED that a change in place of use of water be allowed from the following locations:

<u>Primary</u>	<u>Supplemental</u>
4.0 acres SE 1/4 SW 1/4 Section 15	12.0 acres SW 1/4 SW 1/4 7.0 acres SE 1/4 SW 1/4
5.0 acres NE 1/4 SW 1/4	5.0 acres SW 1/4 SE 1/4
5.0 acres SW 1/4 SW 1/4 Section 16	15.0 acres SE 1/4 SE 1/4 Section 15
5.0 acres SE 1/4 SE 1/4 Section 17	3.6 acres NE 1/4 SE 1/4 6.0 acres SE 1/4 SE 1/4 Section 16
Township 4 South, Range 12 East, WM	6.0 acres NE 1/4 SE 1/4 Section 17 Township 4 South, Range 12 East, WM

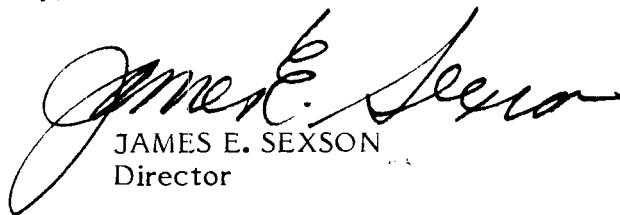
as described by the certificate recorded at page 46367, Volume 39, State Record of Water Right Certificates, in the name of Rock Creek District Improvement Company, with a date of priority of March 13, 1939, and that said water right so divested be correctly placed in the following locations:

<u>Primary</u>	<u>Supplemental</u>
19.0 acres SW 1/4 SW 1/4 Section 15 Township 4 South, Range 12 East, WM	14.0 acres SW 1/4 SW 1/4 1.0 acre SW 1/4 SE 1/4 Section 15 11.6 acres NE 1/4 SW 1/4 11.0 acres NW 1/4 SW 1/4 11.0 acres SE 1/4 SW 1/4 6.0 acres SE 1/4 SE 1/4 Section 16 Township 4 South, Range 12 East, WM

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1984.

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 Rock Creek District Improvement Company and recorded at page 46367, Volume 39, 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 2nd day of May, 1983.


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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