

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CLACKAMAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
CITY OF GLADSTONE FOR APPROVAL)
OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5791

On April 30, 1986, an application was filed in the office of the Water Resources Director by City of Gladstone for approval of a change in point of diversion of water from Clackamas River, pursuant to the provisions of ORS 540.510 to 540.530.

Pursuant to the provisions of ORS 537.250 proof has been made to the satisfaction of the Water Resources Director that a right has been perfected under the terms of Permit 20145 in the name of City of Gladstone for the use of not to exceed 4.0 cubic feet per second from Clackamas River, for municipal use within

SW 1/4 SW 1/4
Section 8

E 1/2
SW 1/4
Section 19

SW 1/4 NW 1/4
NW 1/4 SW 1/4
S 1/2 SW 1/4
Section 16

N 1/2
SW 1/4
N 1/2 SE 1/4
Section 20

NW 1/4 NE 1/4
S 1/2 NE 1/4
NW 1/4
S 1/2
Section 17

W 1/2 NW 1/4
NW 1/4 SW 1/4
Section 21

E 1/2 E 1/2
Section 18

N 1/2 NE 1/4
NE 1/4 NW 1/4
Section 30

Township 2 South, Range 2 East, WM

with a date of priority of March 15, 1951.

Water for the said right is diverted from a point located 650 feet South and 200 feet West from the Northeast Corner of Section 30, being within the NE 1/4 NE 1/4 of Section 30, Township 2 South, Range 2 East, WM.

The applicant herein proposes to change the point of diversion therefrom to a point located 2131 feet South and 173 feet West from the Northeast Corner of Section 16, being within the SE 1/4 NE 1/4 of Section 16, Township 2 South, Range 2 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Enterprise Courier, 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 May 13, 20 and 27, 1986.

Clifton R. King, 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 proposed change in point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 4.0 cubic feet per second.

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

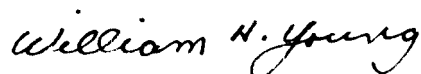
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1987.

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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 29th day of July, 1986.



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.

A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections and exceptions must be filed within 45 days from the date of service (date of mailing) of the Proposed Order on the party. The Commission will provide opportunity for oral argument in support of written objections and exceptions. If no objections and exceptions are filed within the time allowed, the Proposed Order will automatically become the Final Order of the Commission.

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