

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION OF)
EDWARD ROSHAK FOR APPROVAL OF A) ORDER APPROVING
CHANGE IN USE AND POINT OF) TRANSFER 5626
APPROPRIATION OF WATER)

On April 23, 1985, an application was filed in the office of the Water Resources Director by Edward Roshak for approval of changes in use and point of appropriation of water from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 30332, Volume 22, State Record of Water Right Certificates, in the names of Edward, Henry and Theodore Roshak, describes a right which includes the use of not to exceed 0.168 cubic foot per second from ground water for irrigation of 13.44 acres in NE 1/4 NE 1/4, Section 7, Township 2 South, Range 1 West, WM, with a date of priority of February 7, 1957.

The authorized point of appropriation is located North 63 degrees, 54 minutes West, 1200.8 feet from the Southeast Corner of Section 6, being within the SE 1/4 SE 1/4 of Section 6, Township 2 South, Range 1 West, WM.

The applicant herein, owner of the lands above described, proposes to change the use and point of appropriation therefrom to commercial use (berry washing) in SW 1/4 NE 1/4, Section 33, Township 1 South, Range 2 West, WM, from a well located 480 feet North and 1970 feet West from the East Quarter Corner of Section 33, being within the SW 1/4 NE 1/4 of Section 33, Township 1 South, Range 2 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Tigard Times, a newspaper printed and having general circulation in Washington County, Oregon, for a period of three weeks in the issues of May 9, 16 and 23, 1985.

Clayton J. Gardner, Watermaster, has filed a statement to the effect that the proposed changes in use and point of appropriation may be made without injury to existing rights.

Kenneth E. Lite, Jr., Hydrogeologist, has filed a statement to the effect that the proposed changes in use and point of appropriation may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in use and point of appropriation may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in use and point of appropriation are approved without loss of priority, and subject to all pertinent conditions of the Cooper Mountain-Bull Mountain Critical Ground Water Order.

It is FURTHER ORDERED that the quantity of water appropriated at the new well shall not exceed the quantity of water available at the old well under the subject right, shall not exceed 0.168 cubic foot per second, and shall be used only during the irrigation season of each year.

It is FURTHER ORDERED that the following provisions shall be carried out prior to using water from the new well as herein confirmed:

That the pump system shall include an in-line flow meter 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 measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of appropriation of water made on or before October 1, 1986.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1986.

It is FURTHER ORDERED that the certificate recorded at page 30332, Volume 22, 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 18 day of July, 1985.


WILLIAM H. YOUNG
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.

9513C