

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION)
OF FRED GUNZNER FOR APPROVAL OF) ORDER APPROVING
CHANGES IN USE HERETOFORE MADE) TRANSFER 5647
AND POINT OF DIVERSION OF WATER)

On May 28, 1985, an application was filed in the office of the Water Resources Director by Fred Gunzner for approval of changes in use heretofore made and point of diversion of water from Deschutes River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24637, Volume 17, State Record of Water Right Certificates, in the name of Deschutes Farmers Co-op, a Corporation, describes a right which includes the use of not to exceed 0.036 cubic foot per second from Deschutes River, for irrigation of 1.5 acres in SW 1/4 NW 1/4 and 0.5 acre in SE 1/4 NW 1/4, Section 10, Township 14 South, Range 12 East, WM, with a date of priority of May 15, 1950.

Water for the said right is diverted from a point located 1080 feet South and 575 feet East from the Northwest Corner of Section 15, being within the NW 1/4 NW 1/4 of Section 15, Township 14 South, Range 12 East, WM.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made therefrom, to industrial use at a gravel and asphalt plant within the NE 1/4 SE 1/4 of Section 16, Township 14 South, Range 12 East, WM, and to change the point of diversion to a point located 1600 feet South and 550 feet West from the Northeast Corner of Section 16, being within the SE 1/4 NE 1/4 of Section 16, Township 14 South, Range 12 East, WM. The changes in use heretofore made and point of diversion are reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in the Redmond Spokesman, 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 June 5, 12 and 19, 1985.

Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed changes in use heretofore made and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in use heretofore made and 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 changes in use heretofore made and point of diversion are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water used for the proposed purpose shall not exceed 0.036 cubic foot per second, and shall be used only during the irrigation season of each year.

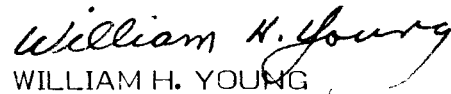
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 certificate recorded at page 24637, Volume 17, 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 13th day of August, 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.

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