

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CLACKAMAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
SOUTH FORK WATER BOARD) ORDER APPROVING
FOR APPROVAL OF A CHANGE IN POINT) TRANSFER 6162
OF DIVERSION OF WATER)

On October 31, 1988, an application was filed in the office of the Water Resources Director by South Fork Water Board for approval of a change in point of diversion of water from South Fork Clackamas River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 1067, Volume 2, State Record of Water Right Certificates, in the name of Oregon City, describes a right for the use of not to exceed 6.0 cubic feet per second from South Fork Clackamas River for municipal water supply for Oregon City, Oregon, with a date of priority of July 17, 1914.

Water for said right is diverted from a point located 4,750 feet south and 100 feet east from the northwest corner of Section 29, being within the SW 1/4 SW 1/4 of Section 29, Township 4 South, Range 5 East, W.M.

The applicants herein, owners of the water right above described, propose to change the point of diversion therefrom by appropriating water under said right at an alternate point on the Clackamas River located 1800 feet north and 850 feet east from the southwest corner of Section 21, being within the NW 1/4 SW 1/4 of Section 21, Township 2 South, Range 2 East, W.M. The change to the alternate point of diversion is claimed to be completed.

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 March 2, 9 and 16, 1989.

Clif King, Watermaster for District 16, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights provided certain conditions are met by the applicant herein.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights provided certain conditions are included, the application should be approved with such conditions.

NOW, THEREFORE, it is hereby ORDERED that the proposed change in point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the following provisions shall be in effect as a condition for approval to use the alternate point of diversion:

1. The quantity of water diverted at the alternate point of diversion shall not exceed 6.0 cubic feet per second and shall not exceed the quantity of water available at the original point of diversion under the subject right.

2. The quantity of water diverted from both the original and the alternate points of diversion shall not exceed 6.0 cubic feet per second when both diversions are in use.

3. In the event a need arises to distribute water to benefit said subject right, such distribution shall only take place at or above the original point of diversion.

4. The applicant shall install a suitable stream-flow gaging station to include an ACRO (or similar) unit at or near the original point of diversion on South Fork Clackamas River. When recorded flows are 6 cubic feet or less for a period of 48 or more hours for 2 of any 5 consecutive years of record, then the gaging station shall also be equipped with telemetry which will provide immediate flow data to both the applicant and the Watermaster. Such installation shall be under the general supervision of and approved by the Watermaster.

5. The applicant shall operate and maintain the stream-flow gaging station during the period of May through October of each year. A minimum of eight flow measurements, at various rates of flow, are required during the first full period of operation. The stream-flow and gage height data collected will be used to develop a rating table. One measurement every six weeks is required thereafter. Stream gage operation and stream-flow measurements will be completed to Water Resource Department standards. Measurement and flow data shall be provided to the Department periodically as it is collected. If it is determined that telemetry is not required, the gaging station operation may be discontinued with approval of the Watermaster.

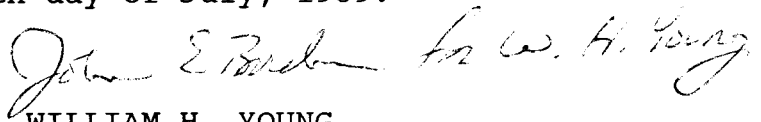
6. In the event the applicant fails to operate said stream gage to department standards, the applicant shall deposit sufficient funds annually with the Watermaster to support the operation and maintenance of the stream-flow gaging station required by this order. The amount shall equal the documented cost of said operation and maintenance.

7. The quantity of water diverted at the alternate point of diversion shall be considered the first water appropriated in calculating or determining the quantity of water appropriated under any subsequent right to divert water at the alternate point of diversion.

It is FURTHER ORDERED that the applicant shall continue the metering of the quantity of water (rate of flow in cubic feet per second or gallons per minute) diverted at the alternate point of diversion. The record of the quantity of water diverted at the alternate point of diversion shall be made available to the Water Resources Department upon request.

It is FURTHER ORDERED that certificate 1067 is hereby cancelled. No time limit to complete the change is necessary as the applicant has reported the change to be complete 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 new confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 26th day of July, 1989.


WILLIAM H. YOUNG
Director

NOTE: Approval of the 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.