

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE APPLICATION OF)
ALFRED VON FLUE FOR APPROVAL OF A) ORDER APPROVING
CHANGE IN PLACE OF USE OF WATER) TRANSFER 6114

On May 20, 1988, an application was filed in the office of the Water Resources Director by Alfred Von Flue for approval of a change in place of use of water from Drift Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 61986, State Record of Water Right Certificates, in the name of Alfred Von Flue, describes a right which includes the use of not to exceed 0.05 cubic foot per second from Drift Creek for irrigation of a certain 4.0 acres in NW 1/4 NW 1/4 of Section 9, Township 7 South, Range 1 West, W.M., with a date of priority of October 19, 1931.

The certificate recorded at page 39847, State Record of Water Right Certificates, in the name of Gary Kaufman, describes a right which includes the use of not to exceed 0.082 cubic foot per second from Drift Creek for irrigation of a certain 6.6 acres in NW 1/4 NW 1/4 of Section 9, Township 7 South, Range 1 West, W.M., with a date of priority of March 7, 1941.

The certificate recorded at page 36118, State Record of Water Right Certificates, in the name of Alfred Von Flue, describes a right which includes the use of not to exceed 3.84 acre feet of stored water from reservoir constructed under permit R-3091 for irrigation of a certain 10.6 acres in SW 1/4 NW 1/4 of Section 9, Township 7 South, Range 1 West, W.M., with a date of priority of June 23, 1966.

Water for said rights is diverted from a point located 840 feet south and 1160 feet east from the W 1/4 corner of Section 9, being within the NW 1/4 SW 1/4 of Section 9, Township 7 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom to a certain 10.6 acres NW 1/4 NW 1/4 (36118), 4.0 acres (61986) & 6.6 acres (39847) SW 1/4 NW 1/4, Section 9, Township 7 South, Range 1 West, W.M.

Clifton King, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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

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

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

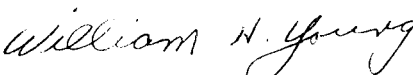
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 subject water rights are hereby severed from the place of use described in Certificates 61986, 39847, and 36118, and shall be beneficially used as authorized by this order on or before October 1, 1990.

It is FURTHER ORDERED that the certificates recorded at pages 61986, 39847, and 36118, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 1st day of August, 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.