

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION OF)
MARVIN MARKMAN FOR APPROVAL OF A) ORDER APPROVING
CHANGE IN USE AND PLACE OF USE OF) TRANSFER 6207
WATER FROM FIFTEENMILE CREEK)

On March 6, 1989, an application was filed in the office of the Water Resources Director by Marvin Markman for approval of a change in use and place of use of water from Fifteenmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at page 31912, State Record of Water Right Certificates, describes a right which includes the irrigation of a certain 3.0 acres in SW 1/4 SE 1/4 of Section 25, Township 2 North, Range 14 East, W.M., with a priority of May 13, 1960 at a rate of not to exceed 0.037 cubic foot per second.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom to a certain 0.4 acre in SW 1/4 SE 1/4 Section 25 and 1.6 acres NE 1/4 NW 1/4 Section 36, and to change the use from irrigation of the remaining 1.0 acre to maintenance of fish ponds in SW 1/4 SE 1/4 section 25, Township 2 North, Range 14 East W.M. The change in use and place of use is reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in The Dalles Chronicle, 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 31, June 7 and June 14, 1989.

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

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

NOW, THEREFORE, it is hereby ORDERED that the proposed change in use and 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 right is hereby severed from the place of use described in Certificate 31912, State Record of Water Right Certificates, and that said certificate is canceled. In lieu thereof a new certificate shall be issued covering the balance of the right NOT involved in this proceeding. 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 21st 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.