

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CLACKAMAS COUNTY

IN THE MATTER OF THE APPLICATION OF )  
GARNET PANKEY FOR APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF WATER )

ORDER APPROVING  
TRANSFER 5823

On June 23, 1986, an application was filed in the office of the Water Resources Director by Garnet Pankey for approval of a change in point of diversion of water from Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 45473, Volume 37, State Record of Water Right Certificates, in the name of Carleton Parish Pynn, M.D., describes a right which includes the use of not to exceed 0.02 cubic foot per second from Willamette River, for irrigation of a certain 2.0 acres in SW 1/4 NE 1/4, Section 22, Township 3 South, Range 1 East, WM, with a date of priority of July 14, 1949.

Water for the said right is diverted from a point located 10 feet South and 2310 feet East from the Center of Section 22, being within the NE 1/4 SE 1/4 of Section 22, Township 3 South, Range 1 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 3340 feet North and 2325 feet East from the South Quarter Corner of Section 22, being within the SE 1/4 NE 1/4 of Section 22, Township 3 South, Range 1 East, WM. The change in point of diversion is reported to be completed.

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

No objections having been filed and it appearing that the proposed change in 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 change in point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.02 cubic foot per second.

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:

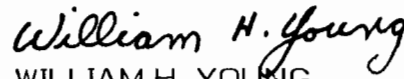
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 right to divert water from the point described in Certificate 45473 is hereby canceled.

It is FURTHER ORDERED that the certificate recorded at page 45473, Volume 37, 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 14th day of October, 1986.

  
WILLIAM H. YOUNG, <sup>SM</sup>  
Director

NOTE: 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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