

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION OF )  
BUELL RED PRAIRIE WATER ASSOCIATION ) ORDER APPROVING  
FOR APPROVAL OF A CHANGE IN USE ) TRANSFER 6287  
OF WATER )

An application was filed with the Water Resources Director by Buell Red Prairie Water Association for approval of a change in use of water from Gooseneck Creek and Mt. Springs Ranch Reservoir, as provided by ORS 540.510 to 540.530.

Certificate 40054, in the name of Frank F. Propes, describes a right limited to 0.21 cubic foot per second from Gooseneck Creek for irrigation of a certain 3.4 acres NE 1/4 SW 1/4, 1.0 acre SE 1/4 SW 1/4, 6.2 acres NE 1/4 SE 1/4, 5.5 acres NW 1/4 SE 1/4, 9.8 acres SW 1/4 SE 1/4, 1.7 acres SE 1/4 SE 1/4 of Section 35, Township 6 South, Range 7 West, W.M. The date of priority is June 28, 1963.

Certificate 40055, in the names of Frank F. and Alice I. Propes, describes a right limited to the storage of 3.0 acre feet of water from Gooseneck Creek in Mt. Springs Ranch Reservoir within the SE 1/4 SW 1/4, Section 35, Township 6 South, Range 7 West, W.M. for irrigation purposes. The date of priority is September 21, 1965.

Certificate 40056, in the names of Frank F. and Alice I. Propes, describes a right limited to the use of 3.0 acre feet stored water only from Mt. Springs Ranch Reservoir for irrigation of a certain 3.4 acres NE 1/4 SW 1/4, 1.0 acre SE 1/4 SW 1/4, 6.2 acres NE 1/4 SE 1/4, 5.5 acres NW 1/4 SE 1/4, 9.8 acres SW 1/4 SE 1/4, 1.7 acres SE 1/4 SE 1/4 of Section 35, Township 6 South, Range 7 West, W.M. The date of priority is September 23, 1965.

Certificate 41646, in the names of Frank F. and Alice I. Propes, describes a right limited to the storage of 60.85 acre feet of water from Gooseneck Creek in Mt. Springs Ranch Reservoir for supplemental irrigation. The date of priority is January 19, 1967.

Certificate 41647, in the names of Frank F. and Alice I. Propes, describes a right limited to the use of 60.85 acre feet stored water only from Mt. Springs Ranch Reservoir for the supplemental irrigation of a certain 3.4 acres NE 1/4 SW 1/4, 1.0 acre SE 1/4 SW 1/4, 6.2 acres NE 1/4 SE 1/4, 5.5 acres NW 1/4 SE 1/4, 9.8 acres SW 1/4 SE 1/4, 1.7 acres SE 1/4 SE 1/4 of Section 35, Township 6 South, Range 7 West, W.M. The date of priority is January 19, 1967.

Water is diverted from a point located 2140 feet South and 3100 feet West from the E 1/4 corner of Section 35, being within the SE 1/4 SW 1/4 of Section 35, Township 6 South, Range 7 West, W.M.

The applicant proposes to transfer the water rights therefrom to domestic, commercial, and livestock watering within the service area of the Buell Red Prairie Water Association described as follows:

S 1/2, SECTION 32; S 1/2, SECTION 33; S 1/2, SECTION 34;  
TOWNSHIP 5 SOUTH, RANGE 6 WEST, W.M.

W 1/2, SECTION 3; ALL SECTIONS 4,5,8,9,10; W 1/2, SECTION 13; ALL SECTIONS 14 - 23; W 1/2, SECTION 24; ALL SECTIONS 27 - 35;  
NW 1/4 SW 1/4, SECTION 36; TOWNSHIP 6 SOUTH, RANGE 6 WEST, W.M.

ALL SECTIONS 13, 24, 25, 35, 36; TOWNSHIP 6 SOUTH, RANGE 7 WEST, W.M.

ALL SECTION 4; NE 1/4 SECTION 8; N 1/2 SECTION 9; TOWNSHIP 7 SOUTH, RANGE 6 WEST, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Polk County Itemizer-Observer for a period of three weeks in the issues of September 13, 20, and 27, 1989.

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

It is FURTHER ORDERED that PRIOR to the diverting of water:

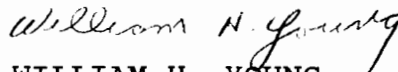
The diversion works shall include an in-line flow meter for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that 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 Certificates 40054, 40055, 40056, 41646, and 41647, and shall be beneficially used as authorized by this order on or before October 1, 1991.

It is FURTHER ORDERED that certificates 40054, 40055, 40056, 41646, and 41647 are canceled; and in lieu thereof new certificates be issued covering the balance of the rights 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.

Dated this 27th day of October, 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.