

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION OF )  
KEITH OBERMAIER FOR APPROVAL OF A )  
CHANGE IN PLACE OF USE OF WATER )  
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ORDER AMENDING  
ORDER APPROVING  
TRANSFER 4101

On December 17, 1981, an amended application was filed in the office of the Water Resources Director by Keith Obermaier to correctly describe the place of use of water from Rock Creek, Threemile Creek, North Fork Gate Creek and Rock Creek Reservoir, for which a change in place of use was requested, pursuant to the provisions of ORS 540.510 to 540.530.

The original application filed December 12, 1978, requested a change in place of use of water from Rock Creek, Threemile Creek, North Fork Gate Creek and Rock Creek Reservoir, for primary irrigation of, among other lands, a certain 4.0 acres in SE 1/4 SW 1/4, Section 15; 5.0 acres in NE 1/4 SW 1/4 and 5.0 acres in SW 1/4 SW 1/4, Section 16 and 5.0 acres in SE 1/4 SE 1/4, Section 17, Township 4 South, Range 12 East, WM; and supplemental irrigation of 11.0 acres in SW 1/4 SW 1/4, 4.0 acres in SW 1/4 SE 1/4 and 15.0 acres in SE 1/4 SE 1/4, Section 15; 3.6 acres in NE 1/4 SE 1/4 and 1.0 acre in SE 1/4 SE 1/4, Section 16, Township 4 South, Range 12 East, WM, with a date of priority of March 13, 1939.

The correct location of the water right to be changed is 20.0 acres in SW 1/4 SW 1/4, 7.0 acres in SE 1/4 SW 1/4, 8.0 acres in SW 1/4 SE 1/4, 15.0 acres in SE 1/4 SE 1/4, Section 15; 3.6 acres in NE 1/4 SE 1/4, 6.0 acres in SE 1/4 SE 1/4, Section 16; and 9.0 acres in NE 1/4 SE 1/4, Section 17, Township 4 South, Range 12 East, WM, all for supplemental irrigation.

The order entered at page 199, Volume 34, Special Order Record, approving Transfer 4101, allowed a change in place of use to primary irrigation of 19.0 acres in SE 1/4 SE 1/4, Section 15, and to supplemental irrigation of 7.0 acres in SE 1/4 SW 1/4, Section 15, 10.0 acres in SW 1/4 SW 1/4 and 7.6 acres in SE 1/4 SW 1/4, Section 16; and 10.0 acres in SE 1/4 SE 1/4, Section 17, Township 4 South, Range 12 East, WM.

The correct location of the new place of use is 17.0 acres in SW 1/4 SW 1/4, 4.0 acres in SW 1/4 SE 1/4, Section 15; 11.6 acres in NE 1/4 SW 1/4, 11.0 acres in NW 1/4 SW 1/4, 11.0 acres in SE 1/4 SW 1/4, 6.0 acres in SE 1/4 SE 1/4, Section 16; and 8.0 acres in NE 1/4 SE 1/4, Section 17, Township 4 South, Range 12 East, WM, all for supplemental irrigation.

Thomas J. Paul, Watermaster, has filed a statement to the effect that the amended change in place of use may be made without injury to existing rights.

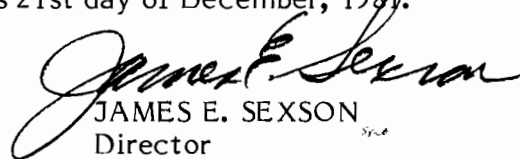
No objections having been filed and it appearing that the amended change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested amended change in place of use, as described in Paragraphs 3 and 5 above, is approved, and the order entered at pages 199 and 200, Volume 34, Special Order Record, is rescinded.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1982.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to Rock Creek District Improvement Company and recorded at page 46367, Volume 39, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to Rock Creek District Improvement Company.

Dated at Salem, Oregon this 21st day of December, 1981.

  
JAMES E. SEXSON  
Director

NOTE: The 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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