

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION)
OF FOREST VIEW CEMETERY COMPANY)
FOR APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5090

On July 20, 1982, an application was filed in the office of the Water Resources Director by Forest View Cemetery Company for approval of a change in point of diversion of water from Gales Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 27902, Volume 20, State Record of Water Right Certificates, in the name of Forest View Cemetery, describes a right for the use of not to exceed 0.09 cubic foot per second from Gales Creek for irrigation of 7.5 acres in SE 1/4 SW 1/4, as projected within H. Burton DLC 44, Section 36, Township 1 North, Range 4 West, WM, with a date of priority of January 9, 1951.

Water for the said right is diverted from a point located 560 feet South and 2,000 feet East from the Northwest Corner of DLC 37, being within the NE 1/4 NW 1/4 of Section 1, Township 1 South, Range 4 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 515 feet South and 1,800 feet East from the Northwest Corner of DLC 37, being within the NE 1/4 NW 1/4 of Section 1, Township 1 South, Range 4 West, WM.

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 requested change in point of diversion, as described herein, without loss of priority, is approved, WITH THE FOLLOWING CONDITIONS.

The quantity of water diverted at the new point of diversion shall not exceed 0.09 cubic foot per second, and shall not exceed the quantity of water available at the old point of diversion under the subject right.

The following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

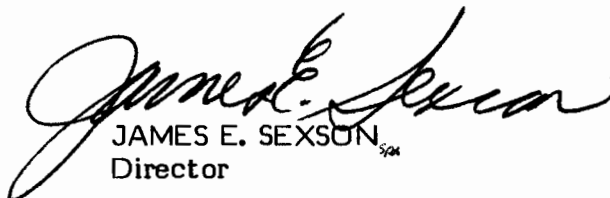
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

The construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1984.

It is FURTHER ORDERED that the certificate recorded at page 27902, Volume 20, 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 30th day of August, 1982.


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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