

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROBERT B. POKORNY FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 4670

On December 31, 1980, an application was filed in the office of the Water Resources Director by Robert B. Pokorny for approval of a change in point of diversion of water from Champoeg Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 26295, Volume 18, State Record of Water Right Certificates, in the name of Frank J. Pokorny, describes a right which includes the use of not to exceed 0.07 cubic foot per second from Champoeg Creek for irrigation of 1.2 acres in SW 1/4 NE 1/4, 1.9 acres in SE 1/4 NW 1/4, 3.7 acres in NE 1/4 SW 1/4, and 1.2 acres in NW 1/4 SE 1/4, Section 14, all as projected within Rhoades DLC 101, Township 4 South, Range 2 West, WM, with a date of priority of November 14, 1951.

Water for the said right is diverted from a point located 550 feet South and 3,520 feet East from the Northwest Corner of Rhoades DLC 101, being within the SE 1/4 NW 1/4 of Section 14, Township 4 South, Range 2 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located 1,944 feet North and 68 feet West from the Southeast Corner of Rhoades DLC 101, being within the SE 1/4 NW 1/4 of Section 14, Township 4 South, Range 2 West, WM.

Michael F. Ladd, 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.

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.

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:

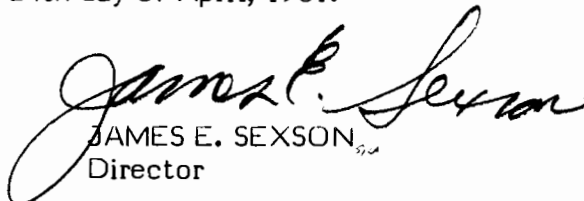
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and the change in point of diversion of water made on or before October 1, 1982.

It is FURTHER ORDERED that a new certificate be issued covering the balance of the right NOT involved in this proceeding, and NOT canceled by orders of the Water Resources Director entered at pages 283 and 455, Volume 34, Special Order Record; 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 24th day of April, 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.