

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE APPLICATION OF )  
WOODBURN ORNAMENTALS, INC. FOR ) ORDER APPROVING  
APPROVAL OF A CHANGE IN POINT OF ) TRANSFER 5889  
APPROPRIATION OF WATER )

On December 19, 1986, an application was filed in the office of the Water Resources Director by Robert F. Fessler, President, Woodburn Ornamentals, Inc., for approval of a change in point of appropriation of water from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 47189, Volume 40, State Record of Water Right Certificates, in the name of Robert Fessler, describes a right for the use of not to exceed 0.46 cubic foot per second from ground water for irrigation of 17.8 acres in SE 1/4 SE 1/4, Section 21 and 19.0 acres in SW 1/4 SW 1/4, Section 22, Township 5 South, Range 1 West, WM, with a date of priority of December 23, 1975.

The authorized point of appropriation is located 1600 feet South and 1300 feet West from the Northeast Corner of the NW 1/4 SW 1/4, Section 22, being within the SW 1/4 SW 1/4 of Section 22, Township 5 South, Range 1 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation therefrom to two wells located 1)2000 feet South and 290 feet East from the Northwest Corner of the NE 1/4 SE 1/4 of Section 21, being within the SE 1/4 SE 1/4 of Section 21, and 2)2090 feet South and 20 feet West from the Northeast Corner of the NW 1/4 SW 1/4 of Section 22, being within the SW 1/4 SW 1/4 of Section 22, Township 5 South, Range 1 West, WM.

Clif R. King, Watermaster, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

John M. Rehm, Jr., Hydrogeologist, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

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

It is FURTHER ORDERED that the quantity of water appropriated at the new wells shall not exceed the quantity of water available at the old well under the subject right, and shall not exceed 0.46 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 measuring devices:

That the pump system shall include an access port for measuring the water level;

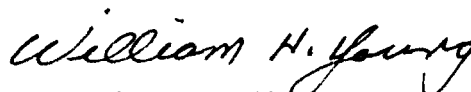
That the pump system shall include an in-line flow meter or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the right to appropriate water from the Well described in Certificate 47189 is hereby canceled, and water shall be appropriated from the new well on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 47189, Volume 40, 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 17th day of February, 1987.

  
WILLIAM H. YOUNG  
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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