

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE APPLICATION OF)
NORMA M. VON FLUE FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5746

On January 17, 1986, an application was filed in the office of the Water Resources Director by Norma M. Von Flue for approval of changes in place of use and point of diversion of water from Drift Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 47318, Volume 40, State Record of Water Right Certificates, in the name of Norma M. Von Flue, describes a right for the use of not to exceed 0.20 cubic foot per second from Drift Creek, a tributary of Pudding River, for irrigation of 16 acres in NE 1/4 NW 1/4, Section 9, Township 7 South, Range 1 West, WM, with a date of priority of October 19, 1931.

Water for the said right is diverted from a point located 2130 feet South and 2730 feet West from the Southeast Corner of NW 1/4 NE 1/4 of Section 9, being within the NW 1/4 SW 1/4 of Section 9, Township 7 South, Range 1 West, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom to irrigation of 4.0 acres in NW 1/4 NW 1/4, 0.1 acre in NW 1/4 SW 1/4, Section 9, and 11.9 acres in NE 1/4 SE 1/4, Section 8, Township 7 South, Range 1 West, WM, and to change the point of diversion for said 0.1 acre and 11.9 acres therefrom to a point located 1950 feet North and 240 feet West from the Southeast Corner of Section 8, being within the NE 1/4 SE 1/4 of Section 8, Township 7 South, Range 1 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Silverton Appeal-Tribune, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of January 30, February 6 and 13, 1986.

Clifton R. King, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in place of use and point of diversion are approved, without loss of priority.

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, and shall not exceed 0.20 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 headgates and measuring devices:

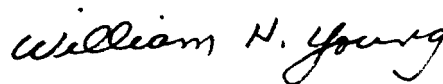
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 water used from the proposed point of diversion on or before October 1, 1987.

It is FURTHER ORDERED that the certificate recorded at page 47318, Volume 40, State Record of Water Right Certificates, is canceled; 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 April, 1986.



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.

A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections and exceptions must be filed within 45 days from the date of service (date of mailing) of the Proposed Order on the party. The Commission will provide opportunity for oral argument in support of written objections and exceptions. If no objections and exceptions are filed within the time allowed, the Proposed Order will automatically become the Final Order of the Commission.

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