

Clackamas County

IN THE MATTER OF THE APPLICATION)
 OF COLTON PUBLIC SCHOOL DISTRICT)
 NO. 53 FOR THE APPROVAL OF A)
 CHANGE IN POINT OF DIVERSION OF)
 WATER FROM CANYON CREEK)

ORDER APPROVING
TRANSFER NO. C-167

On May 12, 1966, Colton Public School District No. 53 filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Canyon Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Colton Irrigation Association and recorded at page 27923, Volume 20, State Record of Water Right Certificates, confirms a right to the use of the waters of Canyon Creek for the irrigation of, among other lands, 8.7 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 5 South, Range 3 East, W.M., with a date of priority of January 30, 1933.

These lands are irrigated through a ditch, the point of diversion being located 2850 feet south and 1700 feet east from the northwest quarter corner of Section 10, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 5 South, Range 3 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to a point to be located 798 feet south and 960 feet east from the northwest corner of Section 3, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 5 South, Range 3 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Oregon City, Oregon, on August 4, 1966, at 9:30 a.m. The notice was published in the Molalla Pioneer, a newspaper printed and having general circulation in Clackamas County, Oregon in the issues of June 9, 16 and 23, 1966. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clayton Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water, to-wit:

From a point located 2850 feet south and 1700 feet east from the northwest quarter corner of Section 10, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 5 South, Range 3 East, W.M.

To a point to be located 798 feet south and 960 feet east from the northwest quarter corner of Section 3, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 5 South, Range 3 East, W.M.

for the irrigation of 8.7 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 5 South, Range 3 East, W.M., with a date of priority of January 30, 1933, is approved.

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, 1967.

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.

It is FURTHER ORDERED that the following provision shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

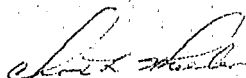
That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 certificate of water right heretofore issued to Colton Irrigation Association and recorded at page 27923, Volume 20, State

Record of Water Right Certificates is canceled, in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Colton Public School District No. 53 confirming said change in point of diversion.

Dated at Salem, Oregon this 11th day of August, 1968.



CHRIS L. HISSLER
State Engineer