

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION )  
OF NEWELL P. BAKER AND ROSELLA )  
BAKER FOR THE APPROVAL OF CHANGES )  
IN PLACE OF USE OF WATER FROM )  
SNOW AND THREE CREEKS )  
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ORDER APPROVING  
TRANSFER NO. B-152

On December 15, 1964, Newell P. Baker and Rosella Baker filed applications for the approval of changes in places of use of water from Snow and Three Creeks and water stored in Big and Little Three Creeks Lakes, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Deschutes County, Oregon, entered March 28, 1921, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Snow Creek and Three Creeks, and their Tributaries, water rights were established in the names of Frank Colfelt, Mattie A. and George A. Crawford, First National Bank of Pendleton, and Mortgage Company for America.

Water rights were established in the name of Snow Creek Irrigation District by certificates of water right recorded at pages 15359 and 15360, Volume 13, State Record of Water Right Certificates, for the storage and use of 1400 acre feet in Big Three Creek Lake Reservoir, with a date of priority of March 8, 1923 and for 200 acre feet in Little Three Creek Lake Reservoir, with a date of priority of September 12, 1936, providing for primary and supplemental irrigation.

Transfer No. V-10, approved by orders of the State Engineer on December 13, 1949 and May 14, 1951, allowed a change in place of use of water from Snow and Three Creeks and water from Big and Little Three Creeks Lakes.

TABULATION A lists the authorized place of use for aforesaid water rights.

TABULATION A

Tp. Rge	Sub-division	Section	No. acres of Water Right	Date of Priority
15 S. 10 E.	SE 1/4 SW 1/4	36	1.0	1886
	SW 1/4 SE 1/4	36	9.5	1886
15 S. 11 E.	NE 1/4 SW 1/4	31	40.0	1891
16 S. 10 E.	NW 1/4 SW 1/4	1	7.1	1897
	SW 1/4 SW 1/4	1	10.9	1897
	NW 1/4 SW 1/4	1	1.6	1923
	SW 1/4 SW 1/4	1	18.3	1923
	NE 1/4 SE 1/4	1	3.5	1923
	NW 1/4 SE 1/4	1	3.5	1923
	SE 1/4 SE 1/4	11	3.7	1886
	SE 1/4 SE 1/4	11	6.3	1923
	SW 1/4 SW 1/4	12	1.3	1886
	SW 1/4 SW 1/4	12	15.0	1923
	NW 1/4 NW 1/4	13	5.0	1923
	NE 1/4 NE 1/4	14	11.6	1886
	NE 1/4 NE 1/4	14	10.0	1923
16 S. 11 E	SE 1/4 SW 1/4	4	40.0	1891
	SW 1/4 SE 1/4	4	40.0	1891
	SE 1/4 SE 1/4	4	21.5	1891
	NE 1/4 SE 1/4	9	3.5	1891

for a total of 253.3 acres

(These lands also have a supplemental right under certificate 15359 to the use of water stored in Big and Little Three Creeks Lakes, under date of priority of March 8, 1923 and September 12, 1936.)

Newell P. and Rosella Baker, owners of the lands tabulated above, propose to transfer the water rights therefrom, without loss of priority, to those lands noted in TABULATION B.

TABULATION B

<u>Tp. Rge</u>	<u>Sub-division</u>	<u>Section</u>	<u>No. acres of Water Right</u>	<u>Date of Priority</u>
15 S. 10 E.	SE 1/4 SE 1/4	36	10.9	1886
15 S. 11 E.	SW 1/4 SW 1/4	31	13.7	1886
	NW 1/4 SE 1/4	31	20.0	1923
16 S. 10 E.	Lot 4 (SW 1/4 NW 1/4)	1	8.5	1897
	NE 1/4 SW 1/4	1	1.2	1897
	Lot 2 (SW 1/4 NE 1/4)	1	7.3	1923
	Lot 1 (SE 1/4 NE 1/4)	1	3.0	1923
	Lot 3 (SE 1/4 NW 1/4)	1	0.2	1923
	NE 1/4 SW 1/4	1	26.3	1923
	SE 1/4 SW 1/4	1	4.8	1923
	SE 1/4 SE 1/4	1	1.6	1923
	Lot 1 (SE 1/4 NE 1/4)	2	2.5	1897
	NE 1/4 SE 1/4	2	5.8	1897
	NE 1/4 SE 1/4	2	18.4	1891
	SE 1/4 SE 1/4	2	5.0	1891
	SE 1/4 SE 1/4	2	2.5	1886
16 S. 11 E.	NE 1/4 NE 1/4	9	39.5	1891
	SE 1/4 NE 1/4	9	25.0	1891
	SE 1/4 SE 1/4	9	5.4	1891
	NW 1/4 NW 1/4	10	17.5	1891
	SW 1/4 NW 1/4	10	16.5	1891
	NW 1/4 SW 1/4	10	16.5	1891
	SW 1/4 SW 1/4	10	1.2	1891

for irrigation of 253.3 acres.

TABULATION C lists those water rights under certificate 15360 and Transfer No. V-10 involved in the application for changes in place of use, and are noted as primary (P) or supplemental (S).

TABULATION C

<u>Tp. Rge</u>	<u>Sub-division</u>	<u>Section</u>	<u>No. acres of Water Right</u>	<u>Primary or Supplemental</u>
15 S. 11 E.	NE 1/4 SW 1/4	31	28.0	S
16 S. 10 E.	NW 1/4 SW 1/4	1	1.8	S
	NW 1/4 SW 1/4	1	3.7	P
	SE 1/4 SE 1/4	2	4.5	P
	SE 1/4 SE 1/4	11	23.7	S
	NW 1/4 NW 1/4	13	3.4	S
16 S. 11 E.	SE 1/4 SW 1/4	4	25.0	S
	SW 1/4 SE 1/4	4	25.0	S
	SW 1/4 SW 1/4	4	5.0	P
	NE 1/4 NE 1/4	9	0.5	S
	SE 1/4 NE 1/4	9	1.0	S
	NE 1/4 SE 1/4	9	3.5	S
	NE 1/4 NW 1/4	9	8.7	P

for a total of 133.8 acres

Newell P. and Rosella Baker, owners of the lands as tabulated above, propose to transfer the water rights therefrom, without loss of priority, to TABULATION D:

TABULATION D

<u>Tp. Rge</u>	<u>Sub-division</u>	<u>Section</u>	<u>No. acres of Water Right</u>
15 S. 10 E.	SE 1/4 SW 1/4	36	9.0
	SW 1/4 SE 1/4	36	20.5
	SE 1/4 SE 1/4	36	11.1
15 S. 11 E.	SW 1/4 SW 1/4	31	8.3
16 S. 10 E.	Lot 4 (SW 1/4 NW 1/4)	1	8.5
	NE 1/4 SW 1/4	1	1.2
	SW 1/4 SW 1/4	1	10.8
	Lot 1 (SE 1/4 NE 1/4)	2	2.5
	NE 1/4 SE 1/4	2	13.2

16 S. 11 E.	SE 1/4 SE 1/4	4	5.0
	SE 1/4 SE 1/4	9	5.0
	NW 1/4 NW 1/4	10	7.5
	SW 1/4 NW 1/4	10	13.7
	NW 1/4 SW 1/4	10	16.5
	SW 1/4 SW 1/4	10	1.0

for supplemental irrigation of 133.8 acres.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in place of use of water are approved and the water rights described in TABULATION A be served therefrom and without loss of priority be transferred to irrigation of those lands described in TABULATION B.

It is FURTHER ORDERED that the water rights described in TABULATION C be severed therefrom and without loss of priority be transferred to supplemental irrigation of those lands described in TABULATION D.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in place of use is completed.

It is FURTHER ORDERED that the certificates recorded at pages 14785, 14786, 14788, 14790 and 14797, Volume 12, State Record of Water Right Certificates, and certificate recorded at page 15360, Volume 13, State Record of Water Right Certificates, are canceled, and that upon receipt of proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 9th day of May, 1980.

  
 JAMES E. SEXSON  
 Director