

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF F. W. CAROTHERS FOR THE APPRO-)
VAL OF A CHANGE IN POINTS OF DIVER-)
SION OF WATER FROM EIGHTMILE CREEK.)

O R D E R

APPROVING APPLICATION

On March 20, 1961, F. W. Carothers of The Dalles, Oregon, filed an application in the office of the State Engineer for the approval of a change in points of diversion of water from Eightmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Wasco County, Oregon, entered March 19, 1924, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Fifteenmile Creek and its Tributaries, a water right was established in the name of Henry J. Yager for the irrigation of 8.1 acres in the SW $\frac{1}{2}$ SE $\frac{1}{2}$ and 0.9 acre in the SE $\frac{1}{2}$ SE $\frac{1}{2}$, Section 19, through the John Doyle ditch, with a date of priority of 1892 and 0.9 acre in the SW $\frac{1}{2}$ SE $\frac{1}{2}$ and 6.5 acres in the SE $\frac{1}{2}$ SE $\frac{1}{2}$, Section 19, through the James B. Bandy ditch, with a date of priority of 1901, and 1.6 acres in the NE $\frac{1}{2}$ SW $\frac{1}{2}$ and 3.3 acres in the SW $\frac{1}{2}$ SW $\frac{1}{2}$, Section 20, through the Southwell ditch, with a date of priority of 1895. All of these lands are irrigated from Eightmile Creek, and are within Township 1 South, Range 13 East, W. M. The point of diversion of the John Doyle ditch is located 231 feet North and 2568 feet West from the southeast corner of Section 19, and being within the SW $\frac{1}{2}$ SE $\frac{1}{2}$, said Section 19, Township 1 South, Range 13 East, W. M. The point of diversion of the James B. Bandy ditch is located 400 feet North and 1810 feet West from the southeast corner of Section 19, and being within the SW $\frac{1}{2}$ SE $\frac{1}{2}$, said Section 19, Township 1 South, Range 13 East, W. M. The point of diversion of the Southwell ditch is located 1150 feet North from the southeast corner of Section 19, and being within the SE $\frac{1}{2}$ SE $\frac{1}{2}$, said Section 19, Township 1 South, Range 13 East, W. M.

Certificate of water right issued to J. C. Yager and recorded at page 4859, Volume 5, State Record of Water Right Certificates, confirms a right under Permit No. 4319 to the use of the waters of Eightmile Creek for the irrigation of 9.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.6 acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19 and 0.5 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 1 South, Range 13 East, W. M., with a date of priority of November 25, 1919. These lands are irrigated through the C. D. Doyle ditch, the point of diversion of said ditch being located 70 feet North and 2136 feet West from the southwest corner of Section 19, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Township 1 South, Range 12 East, W. M. Certificate of water right issued to J. C. Yager and recorded at page 4860, Volume 5, State Record of Water Right Certificates, confirms a right under Permit No. 4320 to the use of the waters of Eightmile Creek for the irrigation of 4.8 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 1 South, Range 13 East, W. M., with a date of priority of November 25, 1919. These lands are irrigated through the John Doyle ditch, the point of diversion of said ditch being located 231 feet North and 2568 feet West from the southeast corner of Section 19, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 1 South, Range 13 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 290 feet North and 2200 feet West from the southeast corner of Section 19, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 19, Township 1 South, Range 13 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 points of diversion of water, if any there were, namely: at the county courthouse in The Dalles, Oregon, on May 31, 1961, at 9:30 o'clock a.m. The notice was published in The Dalles Optimist, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of April 6, 13 and 20, 1961. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. William A. Johnson, Watermaster of District No. 23, has filed a statement to the effect that the proposed change in points of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in points of diversion of water from Eightmile Creek, to-wit:

From a point located 231 feet North and 2568 feet West from the southeast corner of Section 19, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 1 South, Range 13 East, W. M., and

From a point located 400 feet North and 1810 feet West from the southeast corner of Section 19, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 19, and

From a point located 1150 feet North from the southeast corner of Section 19, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 19, and

From a point located 70 feet North and 2136 feet West from the southwest corner of Section 19, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Township 1 South, Range 12 East, W. M.,

To a point to be located 290 feet North and 2200 feet West from the southeast corner of Section 19, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 19, Township 1 South, Range 13 East, W.M.,

for the irrigation of 8.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.9 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 1 South, Range 13 East, W. M., with a date of priority of 1892, and 0.9 acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 6.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 19, with a date of priority of 1901, and 1.6 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.3 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 1 South, Range 13 East, W. M., with a date of priority of 1895, and 9.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.6 acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.8 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19 and 0.5 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 1 South, Range 13 East, W. M., with a date of priority of November 25, 1919, be and the same is hereby approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in points of diversion of water made on or before October 1, 1962, or within such extension of time as may be granted by the State Engineer for good cause shown.

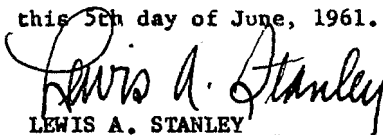
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old points of diversion.

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 pumping plant and related 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 of Wasco County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 5th day of June, 1961.


LEWIS A. STANLEY
State Engineer

Noted on Decree
Vol. 7, p. 434
Cert. # 5682

App. # 6904 & 6905
Cert. # 4859 & 4860

Trsf. "C-134"