

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
WASCO COUNTY

IN THE MATTER OF THE APPLICATION OF)	
WILBUR J. PETERSON)	
FOR APPROVAL OF A CHANGE IN)	ORDER APPROVING
POINT OF DIVERSION OF WATER)	TRANSFER 5894

On January 2, 1987, an application was filed in the office of the Water Resources Director by Wilbur J. Peterson for approval of a change in point of diversion of water from Fifteenmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 50933, Volume 45, State Record of Water Right Certificates, in the name of J.A. Clausen, describes a right for the use of not to exceed 0.33 cubic foot per second from Fifteenmile Creek, for irrigation of 5.1 acres NE 1/4 SE 1/4 and 7.2 acres SE 1/4 NE 1/4, Section 25, Township 1 South, Range 13 East, WM; 7.3 acres NW 1/4 NW 1/4 and 6.3 acres SW 1/4 NW 1/4, Section 30, Township 1 South, Range 14 East, WM, with a date of priority of November 25, 1921.

Water for the said right is diverted from a point located South 43° 6' West, 2168 feet from the East Quarter Corner of Section 25, being within the SW 1/4 SE 1/4 of Section 25, Township 1 South, Range 13 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 980 feet North and 310 feet East from the West Quarter Corner of Section 30, being within the SW 1/4 NW 1/4 of Section 30, Township 1 South, Range 14 East, WM, for irrigation of a certain 5.9 acres SE 1/4 NE 1/4 and 4.7 acres NE 1/4 SE 1/4, Section 25, Township 1 South, Range 13 East, WM; 5.9 acres NW 1/4 NW 1/4 and 5.8 acres SW 1/4 NW 1/4, Section 30, Township 1 South, Range 14 East, WM. The applicant further proposes to cancel the balance of said right, being 0.05 cubic foot per second for irrigation of a certain 1.3 acres SE 1/4 NE 1/4 and 0.4 acre NE 1/4 SE 1/4, Section 25, Township 1 South, Range 13 East, WM; 1.4 acres NW 1/4 NW 1/4 and 0.5 acre SW 1/4 NW 1/4, Section 30, Township 1 South, Range 14 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Dalles Chronicle, 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 March 18, 25 and April 1, 1987.

Larry Toll, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 proposed change in point of diversion is approved, without loss of priority, and the balance of said right, as described above, is cancelled.

Approval of this transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 0.28 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:

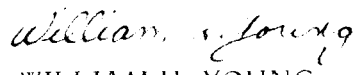
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 right to divert water from the point described in Certificate 50933 is hereby canceled.

It is FURTHER ORDERED that the certificate recorded at page 50933, Volume 45, 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 27th day of May, 1987.


WILLIAM H. YOUNG
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

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