

Wasco County

IN THE MATTER OF)
 THE CANCELATION)
 OF A WATER RIGHT)

FINDINGS AND ORDER

The water right in question was established in the name of John M. Carroll by Decree of the Circuit Court for Wasco County, entered June 20, 1928, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Mosier Creek and its Tributaries, and is for the use of not to exceed 0.10 cubic foot per second of the waters of Carroll Spring for domestic and stock use within $SW\frac{1}{4}$ $SW\frac{1}{4}$, Section 7, Township 2 North, Range 12 East, W.M., with a priority date of 1897 and is evidenced by certificate recorded at page 8133, Volume 8, State Record of Water Right Certificates.

The decree states the source as being Carroll Spring Lot __ ($SW\frac{1}{4}$ $SW\frac{1}{4}$), Section 7 and the place of use is noted as 40 acres in Lot __ ($SW\frac{1}{4}$ $SW\frac{1}{4}$), Section 7, Township 2 North, Range 12 East, W.M.. The General Land Office records do not show a lotting for this 40, however the County Assessor's records show it as being Government Lot 4.

A copy of the original Statement and Proof of Claim submitted by John M. Carroll which is a matter of record in the courthouse at The Dalles, states that the water is used for domestic and stock purposes and is not used for irrigation.

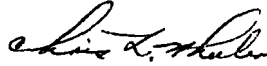
On July 23, 1965, Woodrow Catron submitted an affidavit that he is the legal owner of the $N\frac{1}{2}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$, (Lot 4), Section 7, Township 2 North, Range 12 East, W.M.; that he claims no right nor interest in or to this water right for domestic and stock purposes from Carroll Spring.

On April 27, 1965, Mr. Larry Jebousek, Watermaster District 3, inspected Carroll Spring in the company of Mr. F. E. Molesworth, owner of record of $S\frac{1}{2}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$ (Lot 4), Section 7, Township 2 North, Range 12 East, W.M.. A $3/4$ horsepower pump was installed in this spring which pumps into a reservoir from which domestic and stock water is used on this property.

It appears that use of water for domestic and stock purposes as authorized under this right has been restricted to the $S\frac{1}{2}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$, and that a new certificate should be issued correctly describing the use and place of use of water hereunder.

NOW, THEREFORE, it is hereby ORDERED that certificate of water right recorded at page 8133, Volume 8, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to F. E. and Myrtle I. Molesworth, Route 1, Box 27, Mosier, Oregon, for the use of not to exceed 0.10 cubic foot per second of the waters of Carroll Spring for stock and domestic use of one family, within the $S\frac{1}{2}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$ (Lot 4), Section 7, Township 2 North, Range 12 East, W.M., with a date of priority of 1897.

Dated at Salem, Oregon this 12th day of August, 1965.



CHRIS L. WHEELER
State Engineer

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