

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION OF)
THE COLTON IRRIGATION ASSOCIATION FOR)
THE APPROVAL OF CHANGE IN PLACE OF)
USE OF WATER FROM CANYON CREEK.)

O R D E R

APPROVING APPLICATION

On December 1, 1947, the Colton Irrigation Association of Colton, Oregon filed an application for the approval of a change in place of use of water from Canyon Creek, pursuant to the provisions of Section 116-606, O.C.L.A.

Certificate of Water Right recorded at Page 14099, Volume 12, State Record of Water Right Certificates, was issued to the Colton Irrigation Association confirming a right to the use of the waters of Canyon Creek under Permit No. 10842 for the irrigation of, among other lands, 20 acres in Lot 3 ($NE\frac{1}{4} NW\frac{1}{4}$), and 38.5 acres in the $SE\frac{1}{4} NW\frac{1}{4}$, Section 4, Township 5 South, Range 3 East, W.M., with a date of priority of January 20, 1933.

The Colton Irrigation Association proposes to transfer the water rights appurtenant to 21.25 acres of the above-described land, to-wit: 5 acres in Lot 3 ($NE\frac{1}{4} NW\frac{1}{4}$), and 16.25 acres in the $SE\frac{1}{4} NW\frac{1}{4}$, Section 4, Township 5 South, Range 3 East, W.M., without loss of priority, to the following described lands:

- 4.25 acres in Carlsborg Tract No. 5, Clackamas County and being within the $N\frac{1}{2}SE\frac{1}{4}$, Sec. 4
- 5 acres in Carlsborg Tract No.12, Clackamas County and being within the $SE\frac{1}{4}NE\frac{1}{4}$, Sec. 4 & $SW\frac{1}{4}NW\frac{1}{4}$, Sec. 3
- 2 acres in Carlsborg Tract No.13, Clackamas County and being within the $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 4 & $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 3
- 4 acres in Carlsborg Tract No.14, Clackamas County and being within the $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 4 & $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 3
Township 5 South, Range 3 East, W.M.
- 5 acres in $NW\frac{1}{4}NW\frac{1}{4}$, Sec. 10
Township 5 South, Range 3 East, W.M.

1 acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33
Township 4 South, Range 3 East, W.M.

Notice by publication, as provided by Section 116-606, O.C.L.A., was not given in connection with this application for the reason that said section provides that in applications for only a change in place of use of water no notice shall be required to be published.

Carl R. Samuelson, owner of the land from which it is proposed to transfer the water, has given his written consent to the proposed transfer.

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

NOW, THEREFORE, it is hereby ORDERED that the proposed change in place of use of water from Canyon Creek be and the same hereby is approved, and that the water right hereinbefore described as appurtenant to 5 acres in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), and 16.25 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 5 South, Range 3 East, W.M., with a date of priority of January 30, 1933, be severed therefrom and simultaneously and without loss of priority transferred to the following described lands:

- 4.25 acres in Carlsborg Tract No. 5, Clackamas County and being within the N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 4
- 5 acres in Carlsborg Tract No.12, Clackamas County and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4 & SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3
- 2 acres in Carlsborg Tract No.13, Clackamas County and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4 & NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3
- 4 acres in Carlsborg Tract No.14, Clackamas County and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, & NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3
Township 5 South, Range 3 East, W.M.

5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10
Township 5 South, Range 3 East, W.M.

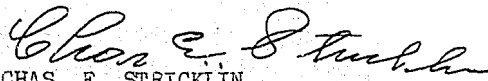
1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33
Township 4 South, Range 3 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1948, or such extension

of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use upon the land to which the water is transferred hereby, a Certificate of Water Right shall be issued to the Colton Irrigation Association and that the Certificate of Water Right heretofore issued to the Colton Irrigation Association and recorded in the State Record of Water Right Certificates, Volume 12, Page 14099, be cancelled.

Dated at Salem, Oregon, this 20th day of February, 1948.


CHAS. E. STRICKLIN
State Engineer

Noted on Cert. 14099

Trsf. No. C-74

*Superseded & Confirmed
by Cert. 20680*