

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF CARL W., JACOB A., AND JULIUS)
F. KASER FOR THE APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM FIFTEENMILE CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. K-52

On September 5, 1967, Carl W., Jacob A., and Julius F. Kaser filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Fifteenmile 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 Joseph Boyer under certificate 5609 for the use of the waters of Fifteenmile Creek for the irrigation of 7.5 acres in SE¼ NE¼ and 4.0 acres in NW¼ SE¼, Section 26, Township 2 North, Range 14 East, W.M., with a date of priority of 1869 and 6.6 acres in SE¼ NE¼, Section 26, Township 2 North, Range 14 East, W.M., with a date of priority of 1907 and in the name of Julius Kaser under certificate 5649 for the use of the waters of Fifteenmile Creek for the irrigation of 2.5 acres in SW¼ NE¼, Section 26, Township 2 North, Range 14 East, W.M., with a date of priority of 1869.

These lands are irrigated by means of the Olney, Linton, or Sternweis Ditches, the point of diversion being located 1875 feet north and 1000 feet east from the SW corner of Section 25 being within the NW¼ SW¼ of Section 25, Township 2 North, Range 14 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands by means of a portable pump between

a point 2630 feet north and 350 feet west and a point 2000 feet north and 2200 feet west from the SE corner of Section 26, Township 2 North, range 14 East being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 2 North, Range 14 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 point of diversion of water, if any there were, namely: at the county courthouse in The Dalles, Oregon, on August 21, 1968, at 9:30 a.m. The notice was published in The Dalles Chronicle, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of June 27, July 3 and 11, 1968. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Glenn E. Tracy, Watermaster of District No. 3, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed point of diversion of water may be established without injury to existing rights the application should be approved.

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

From a point located 1875 feet north and 1000 feet east from the SW corner of Section 25 being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 2 North, Range 14 East, W.M.

To a point to be located between 2630 feet north and 350 feet west and a point 2000 feet north and 2200 feet west from the SE corner of Section 26, Township 2 North, Range 14 East being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 2 North, Range 14 East, W.M.

for the irrigation of 2.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, with a date of priority of 1869 under certificate 5649, 7.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 4.0 acres in

NW¼ SE¼, with a date of priority of 1869 and 6.6 acres in SE¼ NE¼ with a date of priority of 1907 under certificate 5609, Section 26, Township 2 North, Range 14 East, W.M.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1969.

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 and shall not exceed three acre feet per acre in any irrigation season.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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.

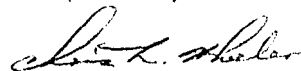
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

The balance of the lands described in the certificate recorded at page 5609 not included in this proceeding are included in an order of the State Engineer entered September 30, 1968 approving a change in point of diversion.

It is FURTHER ORDERED that certificates of water right heretofore issued to Joseph Boyer and Julius Kaser and recorded at pages 5609 and 5649, Volume 6, State Record of Water Right Certificates, are canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion,

certificates of water right shall be issued to Carl W., Jacob A.,
and Julius F. Kaser confirming said changes in point of diversion.

Dated at Salem, Oregon, this 30th day of September, 1968.



CHRIS L. WHEELER
State Engineer