

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION )  
OF CLEO K. STEWART FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE OF WATER )  
FROM CANYON CREEK. )

O R D E R

APPROVING APPLICATION

On May 2, 1955 Cleo K. Stewart of Route 1, Box 28, 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 ORS 540.510 to 540.530.

Certificate of Water Right recorded at page 20680, Volume 15, State Record of Water Right Certificates, was issued to the Colton Irrigation Association confirming a right under Permit No. 10842 for the use of water of Canyon Creek for the irrigation of, among other lands, 20 acres in Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), 34.9 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 14.5 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 4, Township 5 South, Range 3 East, W. M., with a date of priority of January 30, 1933.

Cleo K. Stewart proposes to transfer the water right appurtenant to 10 acres of the land above described, to-wit:

- 5 acres in Lot A of Carlsborg Tract 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )
- 3 acres in Carlsborg Tract 4 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ )
- 2 acres in Carlsborg Tract 16 (SE $\frac{1}{4}$  SE $\frac{1}{4}$ )

therefrom without loss of priority to 10 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, Township 5 South, Range 3 East, W. M., said 10 acres being owned by Cleo K. Stewart.

School District No. 53, Victor Backman and Mrs. Robert R. Burns, owners of the lands from which the water is being transferred and the Colton Irrigation Association through whose system the water is distributed, have submitted written approval of the proposed change in place of use of water.

DAVID A. STANTON  
State Engineer

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on applications for a change in place of use of water only.

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

NOW, THEREFORE, it hereby is 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 A of Carlsborg Tract 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
3 acres in Carlsborg Tract 4 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
2 acres in Carlsborg Tract 16 (SE $\frac{1}{4}$  SE $\frac{1}{4}$ )

with a date of priority of January 30, 1933, be severed therefrom and simultaneously and without loss of priority transferred to 10 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, Township 5 South, Range 3 East, W. M., owned by Cleo K. Stewart.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1956 or within 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, 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 at page 20680, Volume 15, State Record of Water Right Certificates, be cancelled.

Dated at Salem, Oregon this 26th day of May 1955.

LEWIS A. STANLEY  
State Engineer

Noted on Cert. 20680