

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION
OF HARRY E. CARLETON FOR THE AP-
PROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM FIFTEEN-
MILE CREEK

ORDER APPROVING
TRANSFER NO. C-163

On July 12, 1965, Harry E. Carleton of Dufur, Oregon, 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, a water right was established in the name of H. E. Carleton for the use of the waters of Fifteenmile Creek for the irrigation of 12.2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, 32.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 32.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 1 South, Range 13 East, W.M., with a date of priority of 1860, and a water right was established in the name of Dufur Orchard Land Company for the use of the waters of Fifteenmile Creek for the irrigation of 18.8 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 1 South, Range 13 East, W.M., with a date of priority of 1860.

These lands are irrigated by means of the South Ditch, the point of diversion of said ditch being located 1580 feet south and 1312 feet east from the NW corner of Section 34, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 34, Township 1 South, Range 13 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of three pumping plants to be located:

- (1) 332 feet south and 570 feet east from the NW corner of Section 35 and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 35, Township 1 South, Range 13 East, W.M.,
- (2) 70 feet north and 964 feet west from the SE corner of Section 26,

and being within the SE¹/₄ SW¹/₄, said Section 26, Township 1 South, Range 13 East, W.M., and (3) 512 feet north and 366 feet west from the S¹/₄ corner of Section 26, and being within the SE¹/₄ SW¹/₄, said Section 26, Township 1 South, Range 13 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 October 13, 1965, at 9:30 a.m. The notice was published in The Chronicle, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of August 17, 24 and 31, 1965. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Larry W. Jebousek, Watermaster of District No. 5, 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 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 change in point of diversion of water from Fifteenmile Creek, to-wit:

From a point located 1580 feet south and 1312 feet east from the NW corner of Section 34, and being within the SW¹/₄ NW¹/₄, said Section 34, Township 1 South, Range 13 East, W.M.

To a point to be located: (1) 332 feet south and 570 feet east from the NW corner of Section 35 and being within the NW¹/₄ NW¹/₄, said Section 35, Township 1 South, Range 13 East, W.M., (2) 70 feet north and 964 feet west from the S¹/₄ corner of Section 26, and being within the SE¹/₄ SW¹/₄, said Section 26, Township 1 South, Range 13 East, W.M., and (3) 512 feet north and 366 feet west from the S¹/₄ corner of Section 26, and being within the SE¹/₄ SW¹/₄, said Section 26, Township 1 South, Range 13 East, W.M.

for the irrigation of 12.2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, 32.3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 32.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 18.8 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, all within Township 1 South, Range 13 East, W.M., with a date of priority of 1860, is approved.

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, 1966.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

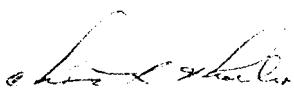
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 certificates of water right heretofore issued to H. E. Carleton and recorded at page 5612, Volume 6, State Record of Water Right Certificates, and certificate issued to Dufur Orchard Land Company and recorded at page 5683, 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 Harry E. Carleton confirming said change in point of diversion.

Dated at Salem, Oregon, this 14th day of January, 1966.


CHRIS L. WEISLER
State Engineer