

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF FRED WETLE FOR A CHANGE IN)
PLACE OF USE AND POINT OF DIVER-)
SION OF WATER FROM CHENOWITH CREEK)

ORDER APPROVING
TRANSFER NO. W-100

On March 25, 1964, Fred Wetle of The Dalles, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Chenowith Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wasco County, Oregon, entered December 19, 1927, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Chenowith Creek and its Tributaries, a water right was established in the name of Fred Wetle for the irrigation of, among other lands, 1.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 17.5 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.7 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 2 North, Range 13 East, W.M., with a date of priority of 1860. This right was confirmed by certificate recorded at page 14568, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Anderson Ditch, the point of diversion of said ditch being located 390 feet north and 800 feet east from the W $\frac{1}{2}$ corner of Section 29, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 29, Township 2 North, Range 13 East, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right appurtenant to 3.8 acres thereof, to-wit: 2.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.1 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, therefrom without loss of priority to 0.4 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.4 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, as projected within Justin Chenowith D.L.C. No. 37, Township 2 North, Range 13 East, W.M., and to irrigate these lands, together with the remaining lands described in paragraph two hereof, by means of a pumping plant, the point of diversion of said pumping plant to be located 410 feet north and 1830 feet west from the E $\frac{1}{2}$ corner of Section 29, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 29, Township 2 North, 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 place of use and point of diversion of water, if any there were, namely: at the county courthouse in The Dalles, Oregon, on July 8, 1964, at 9:30 o'clock a.m. The notice was published in The Dalles Optimist, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of May 14, 21 and 28, 1964. 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. 3, has filed a report to the effect that the proposed change in place of use and 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 place of use and point of diversion of water 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 is approved and that the water right hereinbefore described as appurtenant to 2.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.1 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, as projected within Justin Chenowith D.L.C. No. 37, Township 2 North, Range 13 East, W.M., with a date of priority of 1860, be severed therefrom and simultaneously and without loss of priority transferred to 0.4 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.4 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 29.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Chenowith Creek, to-wit:

From a point located 390 feet north and 800 feet east from the W $\frac{1}{2}$ corner of Section 29, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, as projected within Justin Chenowith D.L.C. No. 37, Township 2 North, Range 13 East, W.M.

To a point located 410 feet north and 1830 feet west from the E $\frac{1}{2}$ corner of Section 29, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 29, as projected within Justin Chenowith D.L.C. No. 37, Township 2 North, Range 13 East, W.M.

for irrigation of 2.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 14.8 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.6 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.4 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, as projected

within Justin Chenoweth D.L.C. No. 37, Township 2 North, Range 13 East, W.M., with a date of priority of 1860, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1965, or within such extension of time as may be granted by the State Engineer for good cause shown.

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 effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

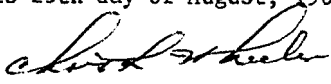
That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

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 certificate of water right heretofore issued to Fred Wetle and recorded at page 14558, Volume 12, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion and application of water to beneficial use, a certificate of water right shall be issued to Fred Wetle to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 25th day of August, 1964.

*Noted on Dec 11
Vol. 1, p. 252
Ord. # 14565*


CHRIS L. WHEELER
State Engineer