

BEFORE THE STATE ENGINEER OF OREGON

Multnomah County

IN THE MATTER OF THE APPLICATION )  
OF THE OREGON STATE FISH COMMIS- )  
SION FOR A CHANGE IN PLACE OF USE )  
AND POINT OF DIVERSION OF WATER )  
FROM TANNER CREEK )  
- - - - - )

O R D E R

APPROVING APPLICATION

On January 30, 1962, the Oregon State Fish Commission of Portland, 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 Tanner Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to R. E. Clanton, Master Fish Warden for the State of Oregon, and recorded at page 1799, Volume 3, State Record of Water Right Certificates, confirms a right under Permit No. 1310 to the use of 50 cubic feet per second of the waters of Tanner Creek for fish hatchery purposes within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, Township 2 North, Range 7 East, W. M., with a date of priority of August 1, 1911. The water is conveyed to these lands by means of an unnamed ditch, the point of diversion of said ditch being located 2200 feet South and 100 feet West from the N $\frac{1}{4}$  corner of Section 28, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, Township 2 North, Range 7 East, W. M.

The applicant herein, owner of the land above described, proposes to transfer the right to the use of the water from Tanner Creek for fish culture purposes in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, Township 2 North, Range 7 East, W. M., without loss of priority to the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 2 North, Range 7 East, W. M., and to convey the water for fish culture purposes on these lands, together with those lands in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, by means of a ditch, the point of diversion of said ditch to be located South 4 degrees 50 minutes East 2220 feet from the N $\frac{1}{4}$  corner of Section 28, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28, Township 2 North, Range 7 East, W. M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water or a change in point of diversion of less than one-fourth mile, and where there are no intervening diversions.

No objections having been filed and it appearing that the proposed change in place of use and point of diversion 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 be and the same is approved and that the water right hereinbefore described as appurtenant to the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, Township 2 North, Range 7 East, W. M., with a date of priority of August 1, 1911, be severed therefrom and simultaneously and without loss of priority transferred to the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 2 North, Range 7 East, W. M.

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

From a point located 2200 feet South and 100 feet West from the N $\frac{1}{4}$  corner of Section 28, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, Township 2 North, Range 7 East, W. M.

To a point to be located South 4 degrees 50 minutes East 2220 feet from the N $\frac{1}{4}$  corner of Section 28, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28, Township 2 North, Range 7 East, W. M.

for fish culture purposes in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, and the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28, Township 2 North, Range 7 East, W. M., with a date of priority of August 1, 1911, be and the same hereby is approved.

It is FURTHER ORDERED that the change in place of use and point of diversion of water shall be completed on or before October 1, 1963, 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 certificate of water right heretofore issued to R. E. Clanton, Master Fish Warden for the State of Oregon, and recorded at page 1799, Volume 3, State Record of Water Right Certificates, be and the same hereby is canceled and 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 application of water to beneficial use, a certificate of water right shall be issued to Oregon State Fish Commission confirming the change in place of use of water.

Dated at Salem, Oregon, this 16th day of March, 1962.

*Notations made on Records*

App. # 1585

Cert. # 1799



LEWIS A. STANLEY  
State Engineer