

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF T. LELAND BROWN FOR THE APPRO-)
VAL OF A CHANGE IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)
FROM RAMSEY CREEK)
-----)

ORDER APPROVING
TRANSFER NO. B-145

On April 8, 1964, T. Leland Brown 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 Ramsey 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 E. J. Collins for the use of the waters of Ramsey Creek for the irrigation of 4.42 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 8.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 1 South, Range 12 East, W.M. and 13.34 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 14.13 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 13.9 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 12.35 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.31 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1 and 0.38 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.27 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 13.62 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 2 South, Range 12 East, W.M., with a date of priority of 1863, which right is evidenced by certificate recorded at page 5614, Volume 6, State Record of Water Right Certificates. These lands are irrigated by means of Collins Ditches Nos. 1, 2 and 3, the points of diversion of said ditches being located as follows: (1) 600 feet south and 3700 feet west from the northeast corner of Section 1, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 1; (2) 1220 feet south and 4250 feet west from the northeast corner of Section 1, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 1; (3) 3450 feet south and 8450 feet west from the northeast corner of Section 1, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, all being in Township 2 South, Range 12 East, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right appurtenant to 13.47 acres, to-wit: 0.3 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 1 South, Range 12 East, W.M., 6.84 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.93 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.5 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1 and 0.28 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.62 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 2 South, Range 12 East, W.M., therefrom without loss of priority to 0.1 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 36 and 1.05 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.89 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 1 and 0.23 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 2, and to irrigate these lands, together with the remainder of the lands described in paragraph 2, by diversion at points to be located as follows: Ditches Nos. 1 and 2: 2910 feet south and 3900 feet west from the northeast corner of Section 2, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 2; Ditch No. 3: 750 feet south and 1375 feet east from the northwest corner of Section 1, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 1; Pump No. 1: 2430 feet south and 1680 feet west from the northeast corner of Section 2, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 2; Pump No. 2: 2000 feet south and 950 feet west from the northeast corner of Section 2, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 2, all being in Township 1 South, Range 12 East, W.M.; Pump No. 3: 275 feet south and 100 feet east from the northwest corner of Section 6, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 6, 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 place of use and point of diversion of water, if any there were, namely: at the county courthouse in The Dalles, Oregon, on September 29, 1964, at 9:30 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 August 6, 13, 20, 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 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 0.3 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 1 South, Range 12 East, W.M., 6.84 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.93 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.5 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1 and 0.28 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.62 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 4 South, Range 12 East, W.M., with a date of priority of 1863, be severed therefrom and simultaneously and without loss of priority transferred to 0.1 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 1 South, Range 12 East, W.M., 1.05 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.89 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1 and 0.23 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 2 South, Range 12 East, W.M.

It is FURTHER ORDERED that the proposed changes in points of diversion of water from Ramsey Creek, to-wit:

From a point located 600 feet south and 3700 feet west from the northeast corner of Section 1, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 1,

From a point located 1220 feet south and 4250 feet west from the northeast corner of Section 1, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 1, and

From a point located 3450 feet south and 8450 feet west from the northeast corner of Section 1, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, all being in Township 2 South, Range 12 East, W.M.

To a point to be located 2910 feet south and 3900 feet west from the northeast corner of Section 2, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 2,

To a point to be located 750 feet south and 1375 feet east from the northwest corner of Section 1, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 1,

To a point to be located 2430 feet south and 1680 feet west from the northeast corner of Section 2, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 2,

To a point to be located 2000 feet south and 950 feet west from the northeast corner of Section 2, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 2, all being in Township 1 South, Range 12 East, W.M. and

To a point to be located 275 feet south and 100 feet east from the northwest corner of Section 6, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 6, Township 1 South, Range 13 East, W.M.

for the irrigation of 0.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.42 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 7.7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 1 South, Range 12 East, W.M., 6.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 10.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 13.4 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 13.4 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 3.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, and 0.1 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.5 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 8.2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 2 South, Range 12 East, W.M., with a date of priority of 1863, are approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the changes in points of diversion made on or before October 1, 1965.

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

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

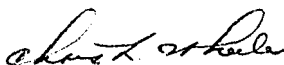
That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

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 certificate of water right heretofore issued to E. J. Collins and recorded at page 5614, Volume 6, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use and completion of the authorized changes in points of diversion, a certificate of water right shall be issued to T. Leland Brown confirming said changes in points of diversion and the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 20th day of November, 1964.

Noted on Dec 10
Vol. 7 p. 422
Cert. # 5614


CHRIS L. WHEELER
State Engineer