

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION)
OF HAZEL CARLETON FOR APPROVAL)
OF CHANGES IN PLACE OF USE OF)
WATER)

ORDER APPROVING
TRANSFER 5691

On August 19, 1985, an application was filed in the office of the Water Resources Director by Hazel Carleton for approval of changes in place of use 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, water rights were allowed in the name of H.E. Carleton and in the name of Dufur Orchard Land Company, described by the certificates recorded at pages 5612 and 5683, respectively, Volume 6, State Record of Water Right Certificates, for the use of not to exceed three acre feet of water per acre in any irrigation season from Fifteenmile Creek with a date of priority of 1860, for irrigation of 12.2 acres in SE 1/4 SW 1/4, Section 26, 32.3 acres in NE 1/4 NW 1/4, 32.5 acres in NW 1/4 NW 1/4 and 18.8 acres in SW 1/4 NW 1/4, Section 35, Township 1 South, Range 13 East, WM.

Water for the said rights is diverted from two points located: (1) 1470 feet North and 1250 feet East, and (2) 1280 feet North and 750 feet East, from the Southwest Corner of the NW 1/4 NW 1/4 of Section 35, being within the: (1) SW 1/4 SW 1/4 of Section 26, and (2) NW 1/4 NW 1/4 of Section 35, Township 1 South, Range 13 East, WM, under the provisions of the order of the State Engineer dated January 14, 1966, approving water right Transfer C-163 for a change in point of diversion.

Pursuant to the provisions of ORS 540.530(2), proof has been submitted to the satisfaction of the Water Resources Director that water right Transfer 3704 has been completed, authorizing changes in place of use of water from irrigation of a certain 9.0 acres in NW 1/4 NW 1/4 (Certificate 5612) and 14.4 acres in SW 1/4 NW 1/4 (Certificate 5683) of Section 35, Township 1 South, Range 13 East, WM, to irrigation of a certain 23.4 acres, which includes 13.6 acres in SW 1/4 SW 1/4 and 7.0 acres in SE 1/4 SW 1/4, Section 26; and 2.4 acres in NW 1/4 NW 1/4, Section 35, Township 1 South, Range 13 East, WM.

The applicant herein, owner of the lands above described, proposes to transfer the rights from 23.1 acres of said 23.4 acres to a certain 8.6 acres in NW 1/4 NW 1/4 and 0.4 acre in SW 1/4 NW 1/4 (Certificate 5612) and to a certain 14.1 acres in SW 1/4 NW 1/4 (Certificate 5683), all Section 35, Township 1 South, Range 13 East, WM. The right for irrigation of 0.3 acre in SE 1/4 SW 1/4, Section 26, Township 1 South, Range 13 East, WM, as confirmed by Transfer 3704 is not included in this proceeding.

The certificate recorded at page 37474, Volume 29, State Record of Water Right Certificates, in the name of Estate of Harry E. Carleton, describes a right for the use of not to exceed 0.25 cubic foot per second from Fifteenmile Creek for irrigation of 20.0 acres, being 12.2 acres in SW 1/4 SW 1/4 and 2.2 acres in SE 1/4 SW 1/4, Section 26; and 5.6 acres in NW 1/4 NW 1/4, Section 35, Township 1 South, Range 13 East, WM, with a date of priority of July 12, 1965.

Water for the said right is diverted from two points located: (1) 1470 feet North and 1250 feet East, and (2) 1280 feet North and 750 feet East, from the Southwest Corner of the NW 1/4 NW 1/4 of Section 35, being within the: (1) SW 1/4 SW 1/4 of Section 26, and (2) NW 1/4 NW 1/4 of Section 35, Township 1 South, Range 13 East, WM.

Pursuant to the provisions of ORS 540.530(2), proof has been submitted to the satisfaction of the Water Resources Director that water right Transfer 3705 has been completed, authorizing a change in place of 0.21 cubic foot per second use of said right for irrigation of 16.8 acres, being 12.2 acres in SW 1/4 SW 1/4 and 2.2 acres in SE 1/4 SW 1/4, Section 26, and 2.4 acres in NW 1/4 NW 1/4, Section 35, Township 1 South, Range 13 East, WM, to irrigation of a certain 16.3 acres, being 8.6 acres in NW 1/4 NW 1/4 and 7.7 acres in SW 1/4 NW 1/4, Section 35, Township 1 South, Range 13 East, WM. Irrigation of the balance of 0.5 acre of said Transfer 3705 was not completed, and said 0.5 acre has been canceled.

The applicant herein, owner of the lands above described, proposes to transfer the right therefrom to a certain 13.6 acres in SW 1/4 SW 1/4, 0.3 acre in SE 1/4 SW 1/4, Section 26, and 2.4 acres in NW 1/4 NW 1/4, Section 35, Township 1 South, Range 13 East, WM.

The certificate recorded at page 50114, Volume 44, State Record of Water Right Certificates, in the name of Hazel Carleton, describes a right which includes the use of not to exceed 0.085 cubic foot per second of water from Fifteenmile Creek, for irrigation of a certain 6.8 acres in SW 1/4 NW 1/4, Section 35, Township 1 South, Range 13 East, WM, with a date of priority of June 13, 1977.

Water for the said right is diverted from a point located 1470 feet North and 1250 feet East from the Southwest Corner of NW 1/4 NW 1/4 of Section 35, being within the SW 1/4 SW 1/4 of Section 26, Township 1 South, Range 13 East, WM.

The applicant herein, owner of the lands above described, proposes to transfer the right therefrom to a certain 6.8 acres in SE 1/4 SW 1/4, Section 26, Township 1 South, Range 13 East, WM.

The aforesaid changes in place of use are reported to be completed.

Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed changes in place of use may be made without injury to existing rights.

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

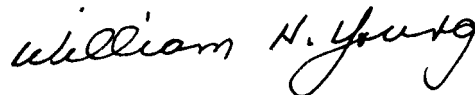
NOW, THEREFORE, it hereby is ORDERED that the proposed changes in place of use are approved, without loss of priority.

The certificates heretofore issued to H.E. Carleton and to Dufur Orchard Land Company and recorded at pages 5612 and 5683, Volume 6, State Record of Water Right Certificates, were canceled by provisions of the order of the State Engineer entered on January 14, 1966, approving Transfer C-163.

The certificate heretofore issued to Estate of Harry E. Carleton and recorded at page 37474, Volume 29, State Record of Water Right Certificates, was canceled by provisions of the order of the Water Resources Director entered on November 10, 1977, approving Transfer 3705.

It is FURTHER ORDERED that the certificate recorded at page 50114, Volume 44, State Record of Water Right Certificates is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, confirming certificates of water right shall be issued to the applicant herein confirming the above authorized changes and covering the balance of the rights NOT involved in this proceeding.

Dated at Salem, Oregon this 5th day of March, 1986.



WILLIAM H. YOUNG,
Director

NOTE: Approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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