

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION)
OF HAZEL CARLETON FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION))
OF WATER FROM FIFTEENMILE CREEK)

ORDER APPROVING
TRANSFER NO. 4146

On January 25, 1979, an application was filed in the office of the Water Resources Director by Hazel Carleton for approval of a change in point of diversion from Fifteenmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4884, Volume 5, State Record of Water Right Certificates, in the name of Dufur Orchard Land Company, describes a right for the use of not to exceed 0.06 cubic foot per second from Fifteenmile Creek for irrigation of a certain 5.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 1 South, Range 13 East, W.M., with a date of priority of January 6, 1922. The said location of the irrigated lands is in error due to a mapping error, said lands being, in fact, in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35.

The authorized point of diversion of record for said right is located 220 feet South and 1050 feet East from the Northwest Corner of Section 34, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 1 South, Range 13 East, W.M. (South Ditch).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to an existing point of diversion located 10 feet South and 800 feet East from the Northwest Corner of Section 35, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 1 South, Range 13 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Dalles Chronicle, a newspaper printed and having general circulation in Wasco County, Oregon for a period of three weeks in the issues of February 6, 13 and 20, 1979.

Mr. Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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.

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NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

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

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:

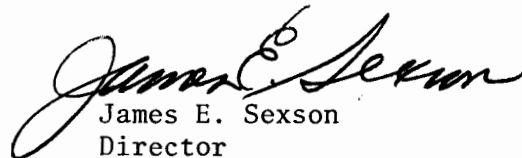
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring 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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 4884, Volume 5, 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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 30th day of March, 1979.


James E. Sexson
Director