

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
WASCO COUNTY

IN THE MATTER OF THE APPLICATION )  
OF MICHAEL T. PETERSON FOR AP- )  
PROVAL OF CHANGES IN PLACE OF USE )  
AND POINT OF DIVERSION OF WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3670

On May 12, 1977, an application was filed in the office of the Water Resources Director by Michael T. Peterson for approval of changes in place of use and point of diversion from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5693, Volume 6, State Record of Water Right Certificates, in the name of Frank Ellison, describes a right which includes the use of not to exceed 1/60th cubic foot per second per acre from Mill Creek for irrigation of 4.1 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  with a date of priority of 1870; 2.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 4.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  with a date of priority of 1908; and supplemental irrigation of 5.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  with a date of priority of 1901, all in Section 22, Township 1 North, Range 12 East, W.M.

Water for the said right is diverted from two points located (No. 1) 820 feet North and 1780 feet East; (No. 2) 2150 feet North and 2560 feet East; both from the Southwest Corner of Section 22, being within the (No. 1) SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; (No. 2) NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22, Township 1 North, Range 12 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion No. 1 therefrom and, without loss of priority, to irrigate 4.1 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  with a date of priority of 1870; 0.6 acre in SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 5.6 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  with a date of priority of 1908; and supplementally irrigate 5.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  with a date of priority of 1901, all in Section 22, Township 1 North, Range 12 East, W.M., by diversion of water from Mill Creek at a new point of diversion located 2330 feet North and 3510 feet East from the Southwest Corner of Section 22, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 22, and from the old point of diversion No. 2 as described above.

The said certificate also includes a right to appropriate water from a spring located 2460 feet North and 3550 feet East from the Southwest Corner of Section 22, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 22, Township 1 North, Range 12 East, W.M., with a date of priority of 1877, for supplemental irrigation of a

certain 1.0 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 22.

The applicant herein, owner of the said 1.0 acre of land, also proposes to change the place of use therefrom and, without loss of priority, to use the water for supplemental irrigation of a different 1.0 acre in the said NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 22.

Notice of the application, pursuant to ORS 540.510, 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 November 7, 14 and 21, 1977.

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

No objections having been filed and it appearing that the proposed changes 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 requested changes in place of use and point of diversion from Mill Creek and change in place of use from a spring, all as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted from Mill Creek at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old points 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 the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to Frank Ellison and recorded at page 5693, Volume 6, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to the applicant herein.

Dated at Salem, Oregon, this 3rd day of January, 1978.

  
James E. Sexson  
Director