

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION )  
OF MAILA O. MILLARD FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM AN UNNAMED )  
STREAM, TRIBUTARY OF CLACKAMAS RIVER) )  
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O R D E R

APPROVING APPLICATION

On May 10, 1956, Maila O. Millard of Estacada, Oregon, filed an application for the approval of a change in point of diversion of water from an unnamed stream, tributary of Clackamas River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of Water Right recorded at page 15481, Volume 13, State Record of Water Right Certificates, was issued to Harry L. and Everett E. Osborne, confirming a right under Permit No. 15303 to the use of the waters of an unnamed stream, tributary of Clackamas River, for the irrigation of 3 acres in Lot 5 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 29, Township 3 South, Range 4 East, W. M., with a date of priority of June 24, 1942. These lands are irrigated through an unnamed pipeline, the point of diversion of said pipeline being located 1940 feet west from the east quarter corner of Section 29, and being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 29, Township 3 South, Range 4 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 10 feet north and 2020 feet west from the east quarter corner of Section 29, and being within Lot 5 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), said Section 29, Township 3 South, Range 4 East, W. M.

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

From a physical examination of the premises made by Geo. V. Naderman, Assistant State Engineer, on July 26, 1956, it appears that the proposed change in 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 point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from an unnamed stream, tributary of Clackamas River, to-wit:

From a point located 1940 feet west from the east quarter corner of Section 29, and being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 29, Township 3 South, Range 4 East, W. M.,

To a point to be located 10 feet north and 2020 feet west from the east quarter corner of Section 29, and being within Lot 5 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), said Section 29, Township 3 South, Range 4 East, W. M.,

for the irrigation of 3 acres in Lot 5 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 29, Township 3 South, Range 4 East, W. M., with a date of priority of June 24, 1942, be and the same hereby is approved.

It is FURTHER ORDERED that the change in point of diversion of water shall be completed on or before October 1, 1957 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 the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the pumping plant and related 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 of Clackamas County, Oregon before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 14th day of August 1956.

A handwritten signature in cursive script that reads "Lewis A. Stanley". The signature is written in black ink and is positioned above the printed name.

LEWIS A. STANLEY  
State Engineer