

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF GEORGE W. NELSON AND LUCILLE)
P. NELSON FOR THE APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)
FROM LOST AND BOULDER CREEKS.)

O R D E R

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On October 20, 1953 George W. Nelson and Lucille P. Nelson of Wamic, Oregon filed an application for the approval of a change in place of use of water from Boulder and Lost Creeks pursuant to the provisions of ORS 540.510 to 540.530.

In the supplemental decree of the Circuit Court for Wasco County, entered January 6, 1932 in the Matter of the Determination of the Relative Rights of the Various Claimants to the Use of the Waters of White River and Its Tributaries, a water right was adjudicated in the name of Harry Hook for the irrigation of, among other lands, 26.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 5 South, Range 11 East, W. M., and in the name of F. D. Stuart for the irrigation of 18.4 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 15.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 5 South, Range 11 East, W. M., all from Lost and Boulder Creeks with a date of priority of 1911. Subsequently, by an order of the State Engineer entered February 18, 1952, the water right appurtenant to 12.29 acres in the said NW $\frac{1}{4}$ SW $\frac{1}{4}$ was transferred to other lands leaving a balance of 14.21 acres irrigated in this forty acre tract.

The applicants herein, owners of the land above described, propose to transfer the water right appurtenant thereto, without loss of priority, to 8.01 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 15 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 5 South, Range 11 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 place of use of water only.

The directors of the Lost and Boulder Ditch Company have given their approval to this proposed change in place of use of water.

Mr. Roger Wilhelm, Watermaster of District No. 23, has submitted a report to the effect that this proposed change in place of use of water from Lost and Boulder Creeks may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use of water from Lost and Boulder Creeks 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 from Lost and Boulder Creeks be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 14.21 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 18.4 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 15.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 5 South, Range 11 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 8.01 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 15 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 5 South, Range 11 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1955 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, Certificate of

Water Right shall be issued to the Lost and Boulder Ditch Company or its successor in interest, to the extent to which the water has been applied beneficially and the Certificate of Water Right heretofore issued to the said Lost and Boulder Ditch Company and recorded at page 14586, Volume 12, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon this 30th day of June 1954.


CHAS. E. STRICKLIN
State Engineer

Noted on Suppl. Decree

Vol. 11, p. 418

Cert. 14586

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See also p. 226