

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
APPROVING APPLICATION

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 Lost and Boulder Creeks pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Wasco County entered November 30, 1923 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 to the Lost and Boulder Ditch Company and tabulated in the name of J. E. Kennedy for the irrigation of, among other lands, 6.5 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 25 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 10 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 10 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 5 South, Range 11 East, W. M., from Lost and Boulder Creeks with a date of priority of 1901.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 10 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 10 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, 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, Inc., have given their approval of the proposed change in place of use of water in writing.

Mr. Roger Wilhelm, Watermaster of District No. 23, has submitted a report to the effect that the proposed change in place of use of water 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 be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 6.5 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 25 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 10 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 20 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 5 South, Range 11 East, W. M., be severed therefrom and without loss of priority transferred to 10 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 10 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, 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 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 30 th day of June 1954.


CHAS. E. STRICKLIN
State Engineer

Noted on Decree
Vol. 7, p. 218
Cert. 14586
N-13