

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

Amended:  
See Sp. Or. Vol. 13 p. 211

IN THE MATTER OF THE APPLICATION )  
OF JULIUS AND CHARLIE SANDOZ FOR )  
THE APPROVAL OF CHANGES IN POINTS )  
OF DIVERSION OF WATER FROM MILL )  
CREEK. )  
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O R D E R

APPROVING APPLICATION

On June 7, 1961, Julius and Charlie Sandoz of The Dalles, Oregon, filed an application in the office of the State Engineer for the approval of changes in points of diversion of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Wasco County, Oregon, entered May 17, 1924, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Mill Creek and its Tributaries, a water right was established in the name of Marie Chatterton for the use of the waters of Mill Creek for domestic and stock purposes and the irrigation of 1.1 acre in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 3.0 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13, Township 1 North, Range 12 East, W. M., with a date of priority of 1855, through the South ditch. In the same proceedings, a water right was established in the name of Julius Sandoz for stock purposes and the irrigation of 3.8 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 5.2 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13 and 6.1 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, Township 1 North, Range 12 East, W. M., with a date of priority of 1855, through the Sandoz ditch from Mill Creek. Also, in the same proceedings, a water right was established in the name of Rollen A. Sandoz for the irrigation of 9.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13 and 2.9 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, Township 1 North, Range 12 East, W. M., with a date of priority of 1855, through the L. A. Sandoz ditch from Mill Creek. The point of diversion of the South ditch is located 1550 feet North and 1090 feet East from the southwest corner of Section 13, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 13, Township 1 North, Range 12 East, W. M. The point of diversion of

the Sandoz ditch is located 132 feet South and 60 feet West from the NE $\frac{1}{4}$  corner of Section 23, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 23, Township 1 North, Range 12 East, W. M. From an examination of the maps made in connection with the Mill Creek adjudication proceedings and the original Statement and Proof of Claim filed by Rollen A. Sandoz in said proceedings, it appears that the original point of diversion of the L. A. Sandoz ditch was located 198 feet North and 1320 feet West from the southwest corner of Section 13 and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, Township 1 North, Range 12 East, W. M.

The applicants herein, owners of the lands above described, propose to irrigate these lands by means of two pumping plants, the point of diversion of said pumping plants to be located (1) 1520 feet North and 1750 feet East from the southwest corner of Section 13, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13, Township 1 North, Range 12 East, W. M., and (2) 800 feet North and 460 feet East from the southwest corner of Section 13, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 13.

Notice of the filing of the application was given by publication, setting forth a time and place certain for hearing objections to the proposed changes in points of diversion of water, if any there were, namely: at the county courthouse in The Dalles, Oregon, on August 30, 1961, at 9:30 o'clock a.m. The notice was published in The Dalles Optimist, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of July 6, 13 and 20, 1961. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. William A. Johnson, Watermaster of District No. 3, has filed a statement to the effect that the proposed change in points of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in points of diversion of water may be made without injury to existing rights, the application should be approved.

84 NOW, THEREFORE, it hereby is ORDERED that the proposed changes in points of diversion of water from Mill Creek, to-wit:

From the South ditch which is located 1550 feet North and 1090 feet East from the southwest corner of Section 13, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 13, Township 1 North, Range 12 East, W. M., and

From the Sandoz ditch which is located 132 feet South and 60 feet West from the N $\frac{1}{4}$  corner of Section 23, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 23, Township 1 North, Range 12 East, W. M.

To a point to be located 1520 feet North and 1750 feet East from the southwest corner of Section 13, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13, Township 1 North, Range 12 East, W. M.

for domestic and stock purposes and the irrigation of 1.1 acre in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 3.0 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13, Township 1 North, Range 12 East, W. M., with a date of priority of 1855, and for stock purposes and the irrigation of 3.8 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 5.2 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13 and 6.1 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, Township 1 North, Range 12 East, W. M., with a date of priority of 1855, and

From the L. A. Sandoz ditch which is located 198 feet North and 1320 feet West from the southwest corner of Section 13, and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, Township 1 North, Range 12 East, W. M.

To a point to be located 800 feet North and 460 feet East from the southwest corner of Section 13, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 13, Township 1 North, Range 12 East, W. M.,

for the irrigation of 9.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13 and 2.9 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, Township 1 North, Range 12 East, W. M., with a date of priority of 1855, be and the same hereby are approved. "

It is FURTHER ORDERED that the construction work shall be done and the changes in points of diversion of water made on or before October 1, 1962, 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 points of diversion shall not exceed the quantity of water available at the old points of diversion.

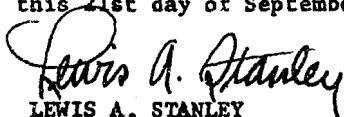
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

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 Wasco County, Oregon, and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 21st day of September, 1961.

Noted on Decree  
Vol. B, p. 120 & 125  
Cert. # 5688, 5711, & 5713

  
LEWIS A. STANLEY  
State Engineer

Amended: See Sp. Or. Vol. 13, p. 21

Trsf. "S. 13B"