

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

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

ORDER

APPROVING APPLICATION

On January 14, 1952, George Nelson and Lucile 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 Section 116-606, O. C. L. A.

By decree of the Circuit Court for Wasco County, Oregon, entered March 9, 1948, in the Matter of the Determination of the Relative Rights to the Use of the Waters of White River and Its Tributaries, a water right was adjudicated in the name of Lost and Boulder Ditch Company for domestic and stock use and the irrigation of, among other lands,

- 1.9 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
- 15.7 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
- 23.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
- 20.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 10,
- 10.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
- 13.3 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
- 26.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
- Section 11,

Township 5 South, Range 11 East, W. M.

The applicants herein, owners of 96.29 acres of the lands above described, to-wit:

- 1.9 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
- 15.7 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
- 23.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
- 20.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 10,
- 10.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
- 13.3 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
- 12.29 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
- Section 11,

Township 5 South, Range 11 East, W. M.

propose to transfer the water right therefrom, without loss of priority,

to the following described lands:

10.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
10.0 acres in the SW $\frac{1}{2}$ SW $\frac{1}{2}$
3.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 32,
Township 4 South, Range 12 East, W. M.

10.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
10.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 1,
10.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
10.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 12,
Township 5 South, Range 11 East, W. M.

3.29 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 5,
10.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 6,
10.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
5.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
5.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 7,
Township 5 South, Range 12 East,

Notice by publication as provided by Section 116-606, O. C. L. A., was not given in connection with this application for the reason said Section provides that notice is not required on applications for only a change in place of use of water.

The Board of Directors of the Lost and Boulder Ditch Company has submitted its approval of the proposed change in place of use of water.

No objections having been filed and it appearing that the proposed change in place of use 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 place of use of water from Lost and Boulder Creeks be and the same hereby is approved and that the water rights hereinbefore described as appurtenant to:

- 1.9 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
- 15.7 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
- 23.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
- 20.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 10,
- 10.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
- 13.3 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
- 12.29 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 11,

Township 5 South, Range 11 East, W. M.,

be severed therefrom and simultaneously and without loss of priority, transferred to:

✓ 10.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
✓ 10.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
✓ 3.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 32,
Township 4 South, Range 12 East W. M.

✓ 10.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
✓ 10.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 1,
✓ 10.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
✓ 10.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 12,
Township 5 South, Range 11 East, W. M.

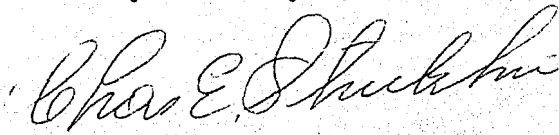
✓ 3.29 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 5,
✓ 10.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 6,
✓ 10.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
✓ 5.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
✓ 5.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 7,
Township 5 South, Range 12 East, W.M.

It is FURTHER ORDERED that complete application of water to beneficial use on the lands to which the water is transferred hereby shall be made on or before October 1, 1953, or 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 complete application of water to beneficial use upon the lands to which the water is transferred hereby, a certificate of water right shall be issued to the Lost and Boulder Ditch Company and that certificate of water right heretofore issued to such company and recorded at Page 14,586, Volume 12, State Record of Water Right Certificates shall be cancelled.

Dated at Salem, Oregon, this 18th day of February 1952.

*Noted on Suppl. Decree
Vol. 11, p. 418
Cert. 14586*


CHAS. E. STRICKLIN
State Engineer