

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION )  
OF A. C. NIELSEN FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM MILL CREEK. )  
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O R D E R

APPROVING APPLICATION

On January 5, 1961, A. C. Nielsen of The Dalles, Oregon, filed an application in the office of the State Engineer for the approval of a change in point 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 of the various claimants to the waters of Mill Creek and its tributaries, a water right was established in the name of Hans C. Neilsen for the irrigation of 2.8 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.1 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 7.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 1 North, Range 13 East, W. M., with a date of priority of 1859. The above described lands are irrigated through the Denton ditch from Mill Creek, the point of diversion of said ditch being located 2646 feet South and 495 feet East from the northwest corner of C. W. Denton donation land claim, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 1 North, Range 13 East, W. M..

The applicant herein, owner of the land above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 2640 feet South and 866 feet East from the northwest corner of C. W. Denton donation land claim, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 1 North, Range 13 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 an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. William A. Johnson, Watermaster of District No. 23, has filed a report to the effect 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 Mill Creek, to-wit:

From a point located 2846 feet South and 495 feet East from the northwest corner of C. W. Denton donation land claim, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 1 North, Range 13 East, W. M.,

To a point to be located 2640 feet South and 866 feet East from the northwest corner of C. W. Denton donation land claim, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 1 North, Range 13 East, W. M.,

for the irrigation of 2.8 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.1 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 7.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 1 North, Range 13 East, W. M., with a date of priority of 1859, be and the same is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1961, 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.

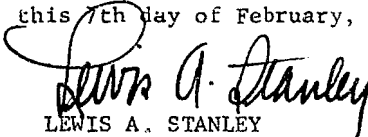
That the plans of the weir or other suitable device be approved by the watermaster of Wasco County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 7th day of February, 1961.

Noted on Decree

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Cert. # 5707

  
LEWIS A. STANLEY  
State Engineer

Trsf. "N-22"