

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION OF)
STATE OF OREGON, BY OREGON STATE)
BOARD OF CONTROL, FOR THE APPROVAL OF)
A CHANGE IN POINT OF DIVERSION, USE)
AND PLACE OF USE OF WATER FROM MILL CREEK.)

ORDER

APPROVING APPLICATION

On October 11, 1955 the State of Oregon by Oregon State Board of Control, filed an application for the approval of a change in point of diversion, use and place of use of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The State Engineer's findings and order of determination entered in the matter of the determination of the relative rights to the use of the waters of Mill Creek and its tributaries, as confirmed by decree of the Circuit Court for Marion County, Oregon, dated January 30, 1945, adjudicated a water right in the name of State of Oregon for the use of 304 gallons per minute of water from Mill Creek for domestic, stock and operation and maintenance of buildings and grounds at the State Tuberculosis Hospital and the State Penitentiary Annex in Sections 8, 17 and 18, Township 8 South, Range 2 West, W.M., with a date of priority of 1891. The point of diversion for the conveyance of water to the above-named institutions is located 2320 feet north and 3910 feet east from the southwest corner of Section 18, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 18, Township 8 South, Range 2 West, W. M.

The applicant herein, owner of the land to which the above-named water right is appurtenant, proposes to change the use of water from domestic, stock and operation and maintenance of buildings and grounds at the State Tuberculosis Hospital and the State Penitentiary Annex to the irrigation of 20.2 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 15.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 24.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 8 South, Range 2 West, W. M., and to

irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 1865 feet north and 4340 feet east from the southwest corner of Section 18, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 18, Township 8 South, Range 2 West, W. M.

Notice by publication as provided by ORS 540.520 was given in the Oregon Statesman, a newspaper printed and having general circulation in Marion County, Oregon, for a period of three weeks, being the issues of October 17, 24 and 31, 1955. The time for hearing as fixed in the notice, namely: December 14, 1955, was not less than 30 days after the last publication of the notice.

No objections having been filed and it appearing that the proposed change in point of diversion, use and place of use of water from Mill Creek may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in use and place of use of water be and the same hereby is approved and that the water right hereinbefore described as for domestic, stock and operation and maintenance of buildings and grounds at the State Tuberculosis Hospital and State Penitentiary Annex in Sections 8, 17 and 18, Township 8 South, Range 2 West, W. M., be severed therefrom and simultaneously and without loss of priority be transferred to the irrigation of 20.2 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 15.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 24.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 8 South, Range 2 West, W. M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Mill Creek, to-wit:

From a point located 2320 feet north and 3910 feet east from the southwest corner of Section 18, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 18, Township 8 South, Range 2 West, W. M.,

To a point to be located 1865 feet north and 4340 feet east from the southwest corner of Section 18, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 18, Township 8 South, Range 2 West, W. M.,

for the irrigation of 20.2 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 15.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 24.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 18, with a date of priority of 1891, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in use and place of use of water made on or before October 1, 1957 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.

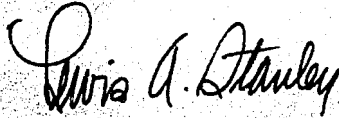
It is FURTHER ORDERED that immediate construction or installation of a measuring device is required and this order is conditional on the following provisions:

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 Marion County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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 it is transferred hereby, Certificate of Water Right will be issued to the State of Oregon, Oregon State Board of Control, to the extent to which the water has been applied beneficially and Certificate of Water Right heretofore issued to the State of Oregon, Oregon State Board of Control, and recorded at page 14836, Volume 12, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon this 19th day of January 1956.



LEWIS A. STANLEY
State Engineer

Noted on Findings

Vol. 14, p. 312

Cert. 14836