

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF WALTER ERICKSEN FOR THE APPRO-)
VAL OF A CHANGE IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)
FROM MILL CREEK.)
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O R D E R

APPROVING APPLICATION

On January 25, 1961, Walter Ericksen of The Dalles, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use and 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 to the use of the waters of Mill Creek and its tributaries, a water right was established in the name of the heirs of Henry Meyer for the irrigation of 7.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4 and 4.7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 1 North, Range 13 East, W. M., with a date of priority of 1863. These lands are irrigated through the Meyer ditch from Mill Creek, the point of diversion of said ditch being located 82 feet South and 3836 feet East from the northwest corner of C. W. Denton donation land claim, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 1 North, Range 13 East, W. M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 0.5 acre and 4.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4 and 0.5 acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 6.2 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 1 North, Range 13 East, W. M., and to irrigate said lands by means of a pumping plant to be located 528 feet North and 132 feet West from the northeast corner of Section 8, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, 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 place of use of water only or a change in point of diversion of water where the distance between the present and proposed points of diversion is less than one-fourth mile and there are no intervening diversions.

Mr. William A. Johnson, Watermaster of District No. 23, has filed a statement to the effect that the proposed change in place of use and 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 and 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 be and the same is approved and that the water right hereinbefore described as appurtenant to 7.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4 and 4.7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 1 North, Range 13 East, W. M., with a date of priority of 1863, be severed therefrom and simultaneously and without loss of priority transferred to 0.5 acre and 4.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4 and 0.5 acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 6.2 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 1 North, Range 13 East, W. M.

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

From a point located 82 feet South and 3836 feet East from the northwest corner of C. W. Denton donation land claim, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 1 North, Range 13 East, W. M.,

To a point to be located 528 feet North and 132 feet West from the northeast corner of Section 8, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 1 North, Range 13 East, W. M.,

for the irrigation of 0.5 acre and 4.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4 and 0.5 acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 6.2 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 1 North, Range 13 East, W. M., with a date of priority of 1863, be and the same hereby is approved.

It is FURTHER ORDERED that the change in place of use and point of diversion of water shall be completed on or before October 1, 1963, 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.

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 Walter Ericksen or his successor in interest, to the extent to which the water has been applied beneficially and the certificate of water right heretofore issued to Mrs. Ida Meyer (Widow), & Algernon R., an adult son and three minor children (Heirs of Henry Meyer) and recorded at page 5705, Volume 6, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 27th day of June, 1962

*Noted on Decree
Vol. 8 p. 123 § 124
Cert. # 5705*

Chris L. Wheeler
CHRIS L. WHEELER
State Engineer

Trsf. "E-35"