

3670

ASSIGNED

STATUS OF APPLICATION

Change in POU & POD
 Date filed 5-12-77
 Date of hearing Nov 30, 1977 12-29-77
 Place of hearing The Dalles
 Date of order 1-3-78 Vol. 30, page 219
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued JUL 10 2009 Vol. _____, page 85658 & 5693
85577

Sun

DESCRIPTION OF WATER RIGHT

Name of stream Mill Cr & Spring
 Trib. of _____ County of Wasco
 Use irrigation
 Quantity of water _____ No. of acres 11 1/2
 Name of ditch _____
 Date of priority _____
 In name of _____
Mill Creek Adjudication, Vol. 8, page 121
 App. No. _____ Per. No. _____ Cert. No. 5693
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
5-12-77	95.00	60444
12-13-77	2.70	246
12-13-04	35.00	71814
TOTAL . . .		
	No Cert. Fee	

The Dalles Chronicle \$52.70 p & 12/8/77 check #1828

FEES REFUNDED

Date	Amount	Check No.
Exam	20-	
POD	15-	
POU	10-	
PON	52.70	
	97.70	

REMARKS

See file 55888. It can be cancelled as all acreage being irrigated can be done so
 under earlier pri-dates associated w/this transfer. DWR 11-26-04
 12-13-04 - Ann-Gale Peterson - 6700 Millcreek Rd, The Dalles OR 97058
 1-27-05, Bradley E. + Karen Houghton, 98-1434 Onikiniki Place, Area HI 96701
 6700 Mill Creek Rd, The Dalles, OR 97058

INDEX CARDS:

Entered

Checked

TO BE ENTERED WHEN CHECKED

✓	Name	lg	
✓	Stream	lg	
✓	Pt. of Div.	lg	
✓	Calendar	lg	
✓	Twp. & Rge.	lg	
✓	Deed-vault	lg	lg
✓	Deed-safe	lg	
✓	Cert. of W/R		
	Per. Water		
	Calendar		
	Cross Ref.		
	Power Claim		
✓	Abstracts	lg	

Spring Δ POV not in Notice

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRANK ELLISON
THE DALLES OR 97058

confirms the right to use the waters of A SPRING LOCATED IN THE SW¼ NE¼, SECTION 22, T 1 N, R 12 E, WM, tributary to MILL CREEK for DOMESTIC.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Wasco County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 8, at Page 119. The date of priority is 1877.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed a reasonable amount for domestic purposes, or its equivalent in case of rotation, measured at the point of diversion.

A description of the place of use to which this right is appurtenant is as follows:

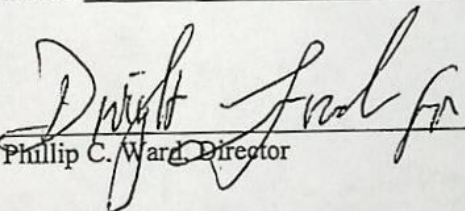
DOMESTIC							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 N	12 E	WM	22	NW SE			0.00

This certificate describes that portion of the water right confirmed by Certificate 5693, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered January 3, 1978, at Special Order Volume 30, Page 219, approving Transfer Application 3670.

The issue of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

Issued JUL 10 2009


Phillip C. Ward, Director

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BRADLEY E AND KAREN HOUGHTEN
6700 MILL CREK RD
THE DALLES OR 97058

confirms the right to use the waters of MILL CREEK, tributary to COLUMBIA RIVER for IRRIGATION OF 7.1 ACRES, SUPPLEMENTAL IRRIGATION OF 4.5 ACRES AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Wasco County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 8, at Page 119. The dates of priority are 1870 (for irrigation) for Tract 1, 1901 (supplemental irrigation and stock) for Tract 4, and 1908 (irrigation) for Tract 5.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed one-sixtieth of a cubic foot per second per acre during the irrigation season from April 1st to October 1st, and one-fortieth of one cubic foot per second for each one thousand head of stock, if available at the original points of diversion, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion (pod) are located as follows:

Pod	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
1	1 N	12 E	WM	22	NE SW			2070 FEET NORTH AND 2520 FEET EAST FROM THE SW CORNER, SECTION 22
2	1 N	12 E	WM	22	NW SE			2480 FEET NORTH AND 3570 FEET EAST FROM THE SW CORNER, SECTION 22

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
TRACT 1 -- 1870							
1 N	12 E	WM	22	NE SW			1.2
1 N	12 E	WM	22	NW SE			2.5
TRACT 5 -- 1908							
1 N	12 E	WM	22	SW NE			1.4
1 N	12 E	WM	22	NW SE			2.0

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

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SUPPLEMENTAL IRRIGATION AND LIVESTOCK							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
TRACT 4 -- 1901							
1 N	12 E	WM	22	NW SE			4.5

The quantity of water diverted from Mill Creek at the new point of diversion shall not exceed the quantity of water available at the old points of diversion under the right. The original points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
1 N	12 E	WM	22	SE SW			820 FEET NORTH AND 1780 FEET EAST FROM SW CORNER, SECTION 22
1 N	12 E	WM	22	NE SW			2150 FEET NORTH AND 2560 FEET EAST FROM SW CORNER, SECTION 22

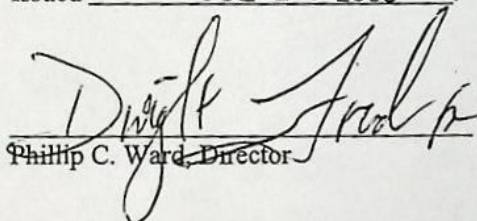
When required by the Watermaster, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The types and plans of the headgate and measuring device must be approved by the Watermaster prior to beginning construction and shall be installed under the general supervision of the Watermaster.

This certificate is issued to confirm changes in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered January 3, 1978, at Special Order Volume 30, Page 219, approving Transfer Application 3670, and together with Certificate 85658, supersedes Certificate 5693, State record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The right to the use of the water for the above pupose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

Issued JUL 10 2009


Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This is to Certify, That

FRANK ELLISON

of THE DALLES, State of OREGON has a right to the use of

the waters of Mill Creek, spring in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22 T. 1 N.R. 12 E.W.M., and
 springs in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 1 N.R. 12 E.W.M.
 for the purpose of Irrigation, domestic and stock. (See below.)

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Wasco County, and the said decree entered of record at Salem, in the Order
 Record of the STATE ENGINEER, in Volume 8, at page 119; that the priority
 of the right thereby confirmed dates from 1870 (for Irrigation) for Tract #1; 1877 (for
 domestic) for Tract #2; 1877 (for Supplemental Irrigation, Domestic & Stock) for
 Tract #3; 1901 (for Supplemental Irrigation, Domestic & Stock) for Tract #4, and
 1908 (for Irrigation) for Tract #5;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed One-sixtieth of a
 cubic foot per second per acre during the irrigation season from April 1st to
 October 1st, and one-fortieth of one cubic foot per second for each one thousand
 head of stock, and a reasonable amount for domestic purposes;

A description of the lands irrigated under such right, and to which the water is appurtenant
 (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

1870 Tract #1. (Irrigation)

Four and one-tenth (4.1) acres in the Northwest Quarter of the Southeast Quarter
 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-two (22), Township One (1) North Range Twelve (12) East
 of the Willamette Meridian.

1877 Tract #2. (Domestic. Spring located in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22 T. 1 N. R. 12 E.W.M.)

Place of Use: Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-
 two (22), Township One (1) North, Range Twelve (12) East of the Willamette Meridian.

1877 Tract #3. (Supplemental Irrigation, Domestic & Stock; Springs located in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 22, T. 1 N. R. 12 E.W.M.)

One (1) acre of same land that is described under Proof No.19, in the Northwest
 Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Section Twenty-two (22), Township One (1)
 North, Range Twelve (12) East of the Willamette Meridian.

1901 Tract #4. (Supplemental Irrigation, Domestic & Stock)

Five (5) acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section
 Twenty-two (22), Township One (1) North, Range Twelve (12) East of the Willamette
 Meridian.

1908 Tract #5. (Irrigation)

Two (2) acres in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and Four
 (4) acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section
 Twenty-two (22), Township One (1) North, Range Twelve (12) East of the Willamette
 Meridian.

And said right shall be subject to all other conditions and limitations
 contained in said decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place
 of use herein described.

WITNESS the signature of the State Engineer,

affixed this 15th day

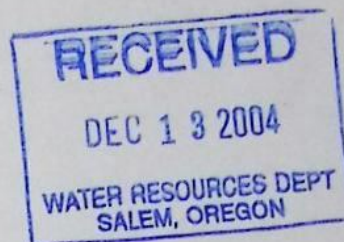
of December, 1925.

RHEA LUPER

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 6, page 5693.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
WASCO COUNTY



IN THE MATTER OF THE APPLICATION)
OF MICHAEL T. PETERSON FOR AP-)
PROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3670

Dickie

On May 12, 1977, an application was filed in the office of the Water Resources Director by Michael T. Peterson for approval of changes in place of use and point of diversion from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5693, Volume 6, State Record of Water Right Certificates, in the name of Frank Ellison, describes a right which includes the use of not to exceed 1/60th cubic foot per second per acre from Mill Creek for irrigation of 4.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1870; 2.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 4.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1908; and supplemental irrigation of 5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1901, all in Section 22, Township 1 North, Range 12 East, W.M.

Water for the said right is diverted from two points located (No. 1) 820 feet North and 1780 feet East; (No. 2) 2150 feet North and 2560 feet East; both from the Southwest Corner of Section 22, being within the (No. 1) SE $\frac{1}{4}$ SW $\frac{1}{4}$; (No. 2) NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 1 North, Range 12 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion No. 1 therefrom and, without loss of priority, to irrigate 4.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1870; 0.6 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1908; and supplementally irrigate 5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1901, all in Section 22, Township 1 North, Range 12 East, W.M., by diversion of water from Mill Creek at a new point of diversion located 2330 feet North and 3510 feet East from the Southwest Corner of Section 22, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 22, and from the old point of diversion No. 2 as described above.

The said certificate also includes a right to appropriate water from a spring located 2460 feet North and 3550 feet East from the Southwest Corner of Section 22, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 1 North, Range 12 East, W.M., with a date of priority of 1877, for supplemental irrigation of a

certain 1.0 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 22.

The applicant herein, owner of the said 1.0 acre of land, also proposes to change the place of use therefrom and, without loss of priority, to use the water for supplemental irrigation of a different 1.0 acre in the said NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22.

Notice of the application, pursuant to ORS 540.510, was published in The Dalles Chronicle, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of November 7, 14 and 21, 1977.

Mr. Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion from Mill Creek and change in place of use from a spring, all as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted from Mill Creek at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old points of diversion under the subject right.

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 diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

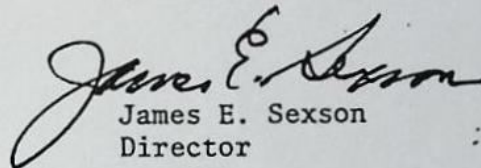
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

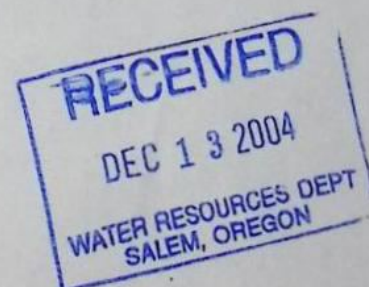
It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended

under the provisions of this order, the certificate of water right heretofore issued to Frank Ellison and recorded at page 5693, Volume 6, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to the applicant herein.

Dated at Salem, Oregon, this 3rd day of January, 1978.


James E. Sexson
Director



STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This is to Certify, That

FRANK ELLISON

of THE DALLIES, State of OREGON has a right to the use of

the waters of Mill Creek, spring in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22 T. 1 N.R. 12 E.W.M., and
 springs in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 1 N.R. 12 E.W.M.
 for the purpose of Irrigation, domestic and stock. (See below.)

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Wasco County, and the said decree entered of record at Salem, in the Order
 Record of the STATE ENGINEER, in Volume 6, at page 119; that the priority
 of the right thereby confirmed dates from 1870 (for Irrigation) for Tract #1; 1877 (for
 domestic) for Tract #2; 1877 (for Supplemental Irrigation, Domestic & Stock) for
 Tract #3; 1901 (for Supplemental Irrigation, Domestic & Stock) for Tract #4, and
 1908 (for Irrigation) for Tract #5;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed One-sixtieth of a
 cubic foot per second per acre during the irrigation season from April 1st to
 October 1st, and one-fortieth of one cubic foot per second for each one thousand
 head of stock, and a reasonable amount for domestic purposes;

A description of the lands irrigated under such right, and to which the water is appurtenant
 (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

- 1870 Tract #1. (Irrigation)
 Four and one-tenth (4.1) acres in the Northwest Quarter of the Southeast Quarter
 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-two (22), Township One (1) North Range Twelve (12) East
 of the Willamette Meridian.
- 1877 Tract #2. (Domestic. Spring located in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22 T. 1 N. R. 12 E.W.M.)
 Place of Use: Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-
two (22), Township One (1) North, Range Twelve (12) East of the Willamette Meridian.
- 1877 Tract #3. (Supplemental Irrigation, Domestic & Stock; Springs located in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 22, T. 1 N. R. 12 E.W.M.)
 One (1) acre of same land that is described under Proof No.19, in the Northwest
 Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Section Twenty-two (22), Township One (1)
 North, Range Twelve (12) East of the Willamette Meridian.
- 1901 Tract #4. (Supplemental Irrigation, Domestic & Stock)
 Five (5) acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section
Twenty-two (22), Township One (1) North, Range Twelve (12) East of the Willamette
 Meridian.
- 1908 Tract #5. (Irrigation)
 Two (2) acres in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and Four
 (4) acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section
Twenty-two (22), Township One (1) North, Range Twelve (12) East of the Willamette
 Meridian.

And said right shall be subject to all other conditions and limitations
 contained in said decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place
 of use herein described.

WITNESS the signature of the State Engineer,

affixed this 15th day
 of December, 1925.

WILLIAM LUPER
 State Engineer.

Recorded in State Record of Water Right Certificates, Volume 6, page 5693

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3670

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Michael T. Peterson for approval of changes in place of use and point of diversion from Mill Creek.

The certificate recorded at page 5693, Volume 6, State Record of Water Right Certificates, in the name of Frank Ellison, describes a right which includes the use of not to exceed 1/60th cubic foot per second per acre from Mill Creek for irrigation of 4.1 acres in NW¼ SE¼ with a date of priority of 1870; 2.0 acres in SW¼ NE¼ and 4.0 acres in NW¼ SE¼ with a date of priority of 1908; and supplemental irrigation of 5.0 acres in NW¼ SE¼ with a date of priority of 1901, all in Section 22, Township 1 North, Range 12 East, WM.

Water for the said right is diverted from two points located (No. 1) 820 ft. N and 1780 ft. E; (No. 2) 2150 ft N and 2560 ft E; both from the SW cor of Sec 22, being within the (No. 1) SE¼ SW¼; (No. 2) NE¼ SW¼, Sec 22, T 1 N, R 12 E, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion No. 1 therefrom and, without loss of priority, to irrigate 4.1 acres of NW¼ SE¼ with a date of priority of 1870; 0.6 acre in SW¼ NE¼ and 5.6 acres in NW¼ SE¼ with a date of priority of 1908; and supplementally irrigate 5.0 acres in NW¼ SE¼ with a date of priority of 1901, all in Sec 22, T 1 N, R 12 E WM, by diversion of water from Mill Creek at a new point of diversion located 2330 ft N and 3510 ft E from the SW cor of Sec 22, being within the NW¼ SE¼ of said Sec 22, and from the old point of diversion No. 2 as described above.

All persons interested are notified hereby that a hearing will be held at the county courthouse at The Dalles, Oregon, on December 29, 1977, at 9:30 a.m. All objections to the proposed changes, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Michael T. Peterson, Route 2, Box 74, The Dalles, OR 97058 and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 3rd day of October, 1977.
James E. Sexson
Director
Nov. 7, 14, 21, 1977
No. 1745

RECEIVED

Affidavit of Publication

STATE OF OREGON, } ss.
County of Wasco

OCT 28 1977
WATER RESOURCES DEPT
SALEM, OREGON

I, Klea Espy

being first duly sworn, depose and say that I am the principal clerk of the publisher of The Dalles Chronicle, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020; Oregon Compiled laws, annotated; printed and published at The Dalles, in the aforesaid county and state, that the

Transfer Application Notice a printed copy of which is hereto annexed, was published in the entire issue of said

Three weeks newspaper for successive and consecutive issues in the following issues: Nov. 7, 14, 21, 1977

Subscribed and sworn to before me this 21 day of Nov., 1977.

Notary Public for Oregon.

My Commission Expires July 31, 1980

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3670

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Michael T. Peterson for approval of changes in place of use and point of diversion from Mill Creek.

The certificate recorded at page 5693, Volume 6, State Record of Water Right Certificates, in the name of Frank Ellison, describes a right which includes the use of not to exceed 1 60th cubic foot per second per acre from Mill Creek for irrigation of 4.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1870; 23.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 4.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1908; and supplemental irrigation of 5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1901, all in Section 22, Township 1 North, Range 12 East, WM.

Water for the said right is diverted from two points located (No. 1) 820 ft N and 1780 ft E; (No. 2) 23150 ft N and 2560 ft E; both from the SW cor of Sec 22, being within the (No. 1) SE $\frac{1}{4}$ SW $\frac{1}{4}$; (No. 2) NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 22, T 1 N, R 12 E, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion No. 1 therefrom and, without loss of priority, to irrigate 4.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1870; 0.6 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1908; and supplementally irrigate 5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1901, all in Sec 22, T 1 N, R 12 E, WM, by diversion of water from Mill Creek at a new point of diversion located 2330 ft N and 3510 ft E from the SW cor of Sec 22, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 22, and from the old point of diversion No. 2 as described above.

All persons interested are notified hereby that a hearing will be held at the county courthouse at The Dalles, Oregon, on November 30, 1978, at 9:30 a.m. All objections to the proposed changes, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Michael T. Peterson, Route 2, Box 74, The Dalles, OR 97058 and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 3rd day of October, 1977.

James E. Sexson
Director
Oct. 10, 17, 24, 1977
No. 1745

Affidavit of Publication

STATE OF OREGON, } ss.
County of Wasco

RECEIVED
OCT 1 1977

WATER RESOURCES DEPT
SALEM, OREGON

I, Klea Espy

being first duly sworn, depose and say that I am the principal clerk of the publisher of The Dalles Chronicle, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020; Oregon Compiled laws, annotated; printed and published at The Dalles, in the aforesaid county and state, that the

Notice of Water Right Transfer a printed copy of which is hereto annexed, was published in the entire issue of said weeks newspaper for Three successive and consecutive issues in the following issues: Oct. 10, 17, 24, 1977

Klea Espy

Subscribed and sworn to before me this 24

day of October, 1977.

J. F. Weybright
Notary Public for Oregon.

My Commission Expires July 31, 1980