

IN THE MATTER OF APPLICATION NO. 15682)
FILED BY ETHEL BRADISH HANSEN ON JUNE : RULING
2, 1954 AND WHICH WAS PROTESTED BY :
CHARLES SCHOER ON NOVEMBER 24, 1954.)

General:

Application No. 15682 was filed by Ethel Bradish Hansen on June 2, 1954 to change the point of diversion of the waters of Rice Creek heretofore decreed under Proof O1706, In the Matter of the Determination of the Waters of Rice Creek as approved by the Fourth Judicial District Court, Book No. 15, Page 637, June 29, 1922.

Application No. 15682 was protested November 24, 1954 by Charles Schoer on the grounds that the granting thereof would be detrimental to his existing rights.

Findings:

Mrs. Ethel Bradish Hansen is successor in interest to the rights decreed to J. H. Bradish and Mr. Charles Schoer is successor in interest to the rights decreed to Claus Schoer. These two parties are the only claimants to the waters of Rice Creek.

Under existing conditions, the waters of Rice Creek cannot be distributed in accordance with the Rice Creek Decree as there is no method of delivering water to the ditches designated in the Decree to serve Mrs. Hansen's property without interfering with and making use of the irrigation system of Mr. Schoer.

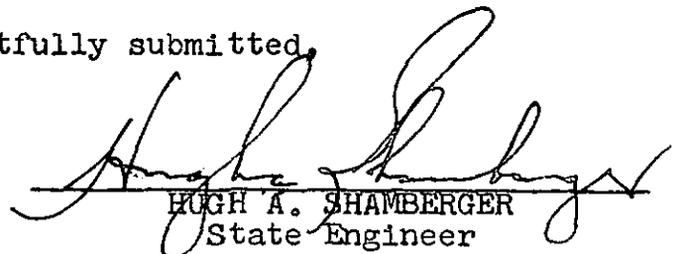
Opinion:

It is the opinion of the State Engineer that the granting of a permit to establish a point of diversion under Application No. 15682 will not interfere with any existing water right of Mr. Schoer under the Rice Creek Decree. It is the further opinion of the State Engineer that an established point of diversion for Mrs. Hansen's ranch from Rice Creek is necessary for the proper and orderly division of the waters of Rice Creek as adjudicated.

RULING

The protest of Charles Schoer to the granting of Application No. 15682 is herewith overruled and a permit will be issued under said application.

Respectfully submitted,


HUGH A. SHAMBERGER
State Engineer

Dated this 27th
day of June, 1955.