

BEFORE THE STATE ENGINEER OF OREGON

Union County

IN THE MATTER OF THE APPLICATION)
 OF LOUIS F. PRATT AND G. W. PRATT)
 FOR THE APPROVAL OF A CHANGE IN)
 POINT OF DIVERSION OF WATER FROM)
 ANTHONY CREEK.)

ORDER

APPROVING APPLICATION

On February 26, 1951, Louis F. Pratt and G. W. Pratt of North Powder, Oregon, filed an application for the approval of a change in point of diversion of water from Anthony Creek, pursuant to the provisions of Section 116-606, O. C. L. A.

In the proceedings for the determination of the relative rights to the use of the waters of North Powder River and its tributaries, water rights were adjudicated in the names of C. C. Garwood, James A. Pilcher and Juliette E. Ten Broeck for irrigation purposes from Anthony Creek, as follows:

<u>Name</u>	<u>Priority Date</u>	<u>No. of Acres</u>	<u>Use</u>	<u>Description of Land</u>
C. C. Garwood	1890	34	Irr.	16.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21 T. 6 S., R. 38 E., W. M., in Union County, Oregon.
James A. Pilcher	1890	33	Irr.	14 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27 10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28 1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21 T. 6 S., R. 38 E., W. M., in Union County, Oregon.

<u>Name</u>	<u>Priority Date</u>	<u>No. of Acres</u>	<u>Use</u>	<u>Description of Land</u>
Juliette E. TenBroeck	1890	70	Irr.	18.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
	1904	17	Dom.	22.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
			Stock	13.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
				Section 21
				33.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
				Section 22
				T. 6 S., R. 38 E., W. M., in Union County, Oregon.

All of the foregoing described lands are irrigated through the Pilcher-Evans-Filkins ditch, the point of diversion of said ditch being located 1400 feet south and 2320 feet west from the northeast corner of Section 18, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 18, Township 6 South, Range 38 East, W. M.

Louis F. Pratt, owner of the lands above described in the name of C. C. Garwood and James A. Pilcher, and G. W. Pratt, owner of the lands above described in the name of Juliette E. TenBroeck, propose to change their point of diversion for the irrigation of said lands to the head of the Coughanour ditch, also known as the McCanse ditch, the point of diversion of said Coughanour ditch being located 1480 feet south and 2630 feet west from the northeast corner of Section 18, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 18, Township 6 South, Range 38 East, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was not given in connection with this application for the reason that said section provides that notice is not required on applications for a change in point of diversion of water of less than one-fourth mile and where there are no intervening diversions between the old diversion of the applicant and his proposed new diversion.

Mr. Floyd Willis, watermaster of District No. 14, has submitted a statement to the effect that the proposed change can 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 from Anthony 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 point of diversion of water from Anthony Creek, to-wit:

From the head of the Pilcher-Evans-Filkins ditch, the point of diversion of said ditch being located 1400 feet south and 2320 feet west from the northeast corner of Section 18, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 18, Township 6 South, Range 38 East, W. M.,

To the head of the Coughanour ditch, also known as the McCause ditch, the point of diversion of said ditch being located 1480 feet south and 2630 feet west from the northeast corner of Section 18, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 18, Township 6 South, Range 38 East, W. M.,

for irrigation purposes on the lands hereafter described in the name of Louis F. Pratt and for irrigation, domestic and stock purposes on the lands hereafter described in the name of G. W. Pratt, as follows:

<u>Name</u>	<u>Priority Date</u>	<u>No. of Acres</u>	<u>Use</u>	<u>Description of Land</u>
Louis F. Pratt	1890	34	Irr.	16.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21 T. 6 S., R. 38 E., W. M., in Union County, Oregon.
	1890	33	Irr.	14 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27 10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28 1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21 T. 6 S., R. 38 E., W. M., in Union County, Oregon.


<u>Name</u>	<u>Priority Date</u>	<u>No. of Acres</u>	<u>Use</u>	<u>Description of Land</u>
G. F. Pratt	1890	70	Irr.	18.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
	1904	17	Dom.	22.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
			Stock	13.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21 33.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 6 S., R. 38 E., W. M., in Union County, Oregon.

be and the same hereby is approved.

It is FURTHER ORDERED that the construction work required to be done in connection with the change in point of diversion of water herein approved shall be completed on or before October 1, 1951, or such extension of time as may be granted by the State Engineer for good cause shown.

Dated at Salem, Oregon, this 22nd day of March, 1951.

Noted on Decree
Vol. 3 p. 275, 276, 277
Certs. 1533, 1534, 1540


CHAS. E. STRICKLIN
State Engineer