

BEFORE THE STATE ENGINEER OF OREGON

Wheeler County

IN THE MATTER OF THE APPLICATION )  
OF CONNOLLY BROS. FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM BRIDGE CREEK. )  
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O R D E R

APPROVING APPLICATION

On March 21, 1957, Connolly Bros. of Mitchell, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Bridge Creek pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Wheeler County, Oregon, entered March 30, 1937, in the matter of the determination of the relative rights to the use of the waters of Bridge Creek and its tributaries, a water right was established in the name of John Manning for the irrigation of, among other lands, 10.9 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 19.1 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 5.3 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 24, Township 10 South, Range 20 East, W. M., from Bridge Creek with a date of priority of 1882. These lands are irrigated through the Connolly No. 1 ditch, the point of diversion of said ditch being located 1278 feet north and 1063 feet east from the southwest corner of Section 24, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 24, Township 10 South, Range 20 East, W. M.

The applicants herein, owners of the land above described, propose to change the point of diversion for the irrigation of 23 acres thereof, said 23 acres lying east of Bridge Creek, to-wit: 8.5 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 11.8 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 2.7 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 24, Township 10 South, Range 20 East, W. M., to the Connolly No. 2 ditch, the point of diversion of said ditch to be located 1797 feet north and 1658 feet east from the southwest corner of Section 24, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 24, Township 10 South, Range 20 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 applications for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. R. L. Schee, Watermaster of District No. 11, has filed a report to the effect that the proposed change in point of diversion of water from Bridge Creek may 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 Bridge 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 Bridge Creek, to-wit:

From a point located 1278 feet north and 1063 feet east from the southwest corner of Section 24, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 24, Township 10 South, Range 20 East, W. M.,

To a point to be located 1797 feet north and 1658 feet east from the southwest corner of Section 24, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 24, Township 10 South, Range 20 East, W. M.,

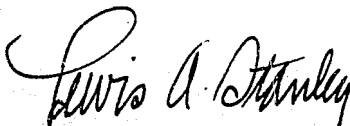
for the irrigation of 8.5 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 11.8 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 2.7 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 24, Township 10 South, Range 20 East, W. M., with a date of priority of 1882, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1958 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 that is diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

Dated at Salem, Oregon this 18th day of April 1957.

Noted on Decree  
Vol. 12, p 426  
Cert. 13575  
Trsf. # C-124

  
LEWIS A. STANLEY  
State Engineer