

Union County

IN THE MATTER OF THE APPLICATION OF THE)
PACIFIC FRUIT EXPRESS COMPANY FOR THE)
APPROVAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM THE TAIL RACE OF THE)
NORTH POWDER MILLING AND MERCANTILE)
COMPANY.)
-----)

O R D E R

Now at this time the above entitled matter coming on for consideration before the State Engineer on the application of the Pacific Fruit Express Company for the approval of a change in point of diversion of water from the tail race of the North Powder Milling and Mercantile Company, and it appears that the Pacific Fruit Express Company has a right to the use of 9.0 cubic feet per second of water from the tail race of the North Powder Milling and Mercantile Company for the purpose of filling ponds for making natural ice, the place of use being within the SW $\frac{1}{4}$ of Section 22 and the NW $\frac{1}{4}$ of Section 27, Township 6 South, Range 39 East, W. M. The water right now appurtenant to said land has been confirmed by water right certificate issued August 15, 1920, and recorded in State Record of Water Right Certificates, Vol. 4, at page 2791.

It is now proposed to divert this water not only at said point of diversion from said tail race, but also for the privilege of diverting the same from a point on the ditch of the North Powder Milling and Mercantile Company located some 2900 feet, more or less, above the mill of said Mercantile Company, being approximately north 85° 05' west 1560 feet from the NE corner of NW $\frac{1}{4}$ of Section 27, Township 6 South, Range 39 East, W.M., and to continue the diversion of North Powder River waters into said ditch at the present point of diversion of the North Powder Milling and Mercantile Company, being at a point south 44° 40' west 3750 feet from the NE corner of the NW $\frac{1}{4}$ of Section 27, same township and range.

It further appears that a notice of publication, as provided by Section 47-712 Oregon Code 1930 was published in the North Powder News, a newspaper having general circulation in Union County, for a period of four successive and consecutive weeks, the date of the first issue being October 16, 1931

and ending with the issue dated the 6th day of November, 1931.

No objections having been filed within the time stated in the notice of publication and it appearing that the proposed change will inure to the benefit of the applicant in the manufacturing of ice,

NOW THEREFORE, it is hereby ORDERED that the Pacific Fruit Express Company be allowed the right to divert the water at the points of diversion as hereinbefore described and that the petition of said Company be approved.

Dated at Salem, Oregon this 11th day of December, 1931.

Chas. E. Stricklin
CHAS. E. STRICKLIN,
State Engineer.

*Noted on Cart.
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