

BEFORE THE STATE ENGINEER OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF THE MILTON BOX COMPANY FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION AND CHARACTER OF USE OF)
WATER.)
-----)

O R D E R

The above entitled matter coming on for consideration before the State Engineer on the application of the Milton Box Company for the approval of a change in point of diversion and character of use of water, and it appearing that by decree of the court for Umatilla County, dated May 16th, 1932, a water right was recognized in the name of R. M. Lee for the irrigation of 5.91 acres in the $W\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$, Section 1, Township 5 North, Range 35 East, W.M., with date of priority of 1895, and in the name of G. A. Cowl for the irrigation of 3 acres in the $NW\frac{1}{4}SW\frac{1}{4}$ Section 1, Township 5 North, Range 35 East, W.M., with date of priority of 1900; the point of diversion of both the Lee and Cowl rights being located 1,050 feet north and 1,050 feet east from the southwest corner of Section 1, Township 5 North, Range 35 East, W.M. A water right was also recognized in the name of Mary C. Schwandt for the irrigation of 1.2 acres in the $NW\frac{1}{4}SW\frac{1}{4}$ of Section 1, Township 5 North, Range 35 East, W.M., with date of priority of 1893, the point of diversion being located 1,900 feet north and 625 feet east from the southwest corner of Section 1, Township 5 North, Range 35 East, W.M.

That the applicant herein has purchased 2.58 acres of the Lee tract, 3.0 acres of the Cowl tract and 0.7 acre of the Schwandt tract, and proposes to change the water rights appurtenant thereto to that of a water supply for a mill pond in the $NW\frac{1}{4}SW\frac{1}{4}$ of Section 1, Township 5 North, Range 35 East, W.M., and change the point of diversion of the 2.58 acres of the Lee tract and 3 acres of the Cowl tract to the present point of diversion

of the Schwandt ditch and the proposed mill pond ditch, being located 1,900 feet north and 625 feet east from the southwest corner of Section 1, Township 5 North, Range 35 East, W.M.

It further appears that notice of publication, as provided by Section 47-712, Oregon Code 1930, was published in three issues of the Milton Eagle, a newspaper of general circulation in Umatilla County; said issues being those of July 28th, August 4th and 11th, 1932. And it further appearing that no objections having been filed, and that the change can be made without injury to existing rights,

NOW THEREFORE, IT IS HEREBY ORDERED that said change in point of diversion and change in character of use of water from irrigation to that of a water supply for log pond be and the same is hereby APPROVED without loss of priority of the rights heretofore established; provided that the quantity of water diverted for log pond purposes shall not exceed 0.235 cubic foot per second, and provided further that the quantity of water diverted for the remaining 0.5 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 5 North, Range 35 East, W.M. in the name of Mary C. Schwandt shall be limited to 0.01875 cubic foot per second.

Dated at Salem, Oregon, this 21st day of September, 1932.

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

Notations Made on Deeds
Vol. 12 pages 163, 231 and 118
Certs #12613 }
 12856 } *confirm this Change*
 13192 }

All of these rights
re-transferred to
irrigation by
Sp. Dr. Vol. 4 p 403