

BEFORE THE STATE ENGINEER OF THE STATE OF OREGON

IN THE MATTER OF THE APPLICATION)
 OF N. BROWN & SONS, S. N. BOLTON,)
 CURTIS SMITH, D. N. VARIEN, C. E.)
 MCPHEETERS, A. C. WELCOME AND PAUL)
 HOWES FOR PERMISSION TO CHANGE THE)
 POINT OF DIVERSION OF WATER FROM)
 SILVIES RIVER AND FOLEY SLOUGH.)

O R D E R

Now at this time this matter coming on before the State Engineer for consideration, on petition of N. Brown and Sons, S. N. Bolton, Curtis Smith, D. N. Varien, C. E. McPheeters, A. C. Welcome, and Paul Howes, and it appearing that the right of the petitioners to use water from Silvies River and Foley Slough had been confirmed by orders of the State Water Board as modified by the Circuit Court of Harney County and Supreme Court of Oregon, as follows:

NAME & ADDRESS	DATE OF RELATIVE PRIORITY	AMOUNT CU. FT. PER SEC.	NUMBER ACRES	USE	NAME OF DITCH	STREAM	DESCRIPTION
Brown, N. & Sons Burns, Ore.	1907	3.00	240	Irrigation	Browns & Poison Creek	Poison or Slough	40 A. in NE $\frac{1}{4}$ NE $\frac{1}{4}$
							40 A. in SE $\frac{1}{4}$ NE $\frac{1}{4}$
							40 A. in SW $\frac{1}{4}$ NE $\frac{1}{4}$
							40 A. in NW $\frac{1}{4}$ NE $\frac{1}{4}$
							40 A. in NE $\frac{1}{4}$ SE $\frac{1}{4}$
							40 A. in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T. 23 S. R. 31 E. W. M.
Denstedt, Ferdinand Burns, Ore.	1894	3.73	298	Irrigation	Denstedt Creek and Foley Slough	Poison Creek and Slough	40 A. in NE $\frac{1}{4}$ NE $\frac{1}{4}$
							40 A. in NW $\frac{1}{4}$ NE $\frac{1}{4}$
							40 A. in SW $\frac{1}{4}$ NE $\frac{1}{4}$
							25 A. in SE $\frac{1}{4}$ NE $\frac{1}{4}$
							25 A. in NE $\frac{1}{4}$ NW $\frac{1}{4}$
							8 A. in NW $\frac{1}{4}$ NW $\frac{1}{4}$
							25 A. in SW $\frac{1}{4}$ NW $\frac{1}{4}$
40 A. in SE $\frac{1}{4}$ NW $\frac{1}{4}$							
40 A. in NE $\frac{1}{4}$ SW $\frac{1}{4}$							
15 A. in NW $\frac{1}{4}$ SW $\frac{1}{4}$							
							Sec. 18, T. 23 S. R. 32 E. W. M.

NAME & ADDRESS	DATE OF RELATIVE PRIORITY	AMOUNT CU. FT. PER SEC.	NUMBER ACRES	USE	NAME OF DITCH	STREAM	DESCRIPTION
Denstedt, F. (Continued):	1912	1.56	125	Irrigation	Denstedt	Poison Creek and Foley Slough	25 A. in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 A. in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 A. in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 A. in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, T.23 S.R.31 E.W.M.
Jackson, Frank O. (S.N.Bolton, suc- cessor in interest) Burns, Ore.	1903	.90	72.26	Irr.	Dams	Main & Poison Creek Slough	32.26 A. in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 40 A. in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.18, T.23S.R.32 E.W.M.
	1906	2.00	160	"	"	"	40 A. in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 A. in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 A. in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 A. in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.18, T.23 S.R.32 E.W.M.
McPheeters, Chas. Burns, Ore.	1908	2.00	160	"	Welcome McPheet- ers	Poison Creek & Poison Slough	40 A. in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 A. in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 A. in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 A. in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.33, T.23 S.R.32 E.W.M.
	1902	2.00	160	"	"	Poison Creek	40 A. in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 A. in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 A. in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 A. in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.28, T.23 S.R.32 E.W.M.
Varien, Daniel N. & Daniel N. Vari- en as Admr. of J.L.Varien Est. Burns, Ore.	1891	4.00	320	"	Ditches, Dams & Sloughs	Foley Slough and Poison Creek	40 A. in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 A. in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 A. in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 A. in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.20, T.23 S.R.32 E.W.M.
							40 A. in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 A. in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 A. in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 A. in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.20, T.23 S.R. 32 E.W.M.
Varien, Edith & J.L.Varien Est. (Curtis Smith, successor)	1906	2.00	160	"	"	"	40 A. in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 A. in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 A. in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 A. in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.19, T.23 S.R.32 E.W.M.
Varien, Margaret, (Curtis Smith, successor) Burns, Ore.	1905	1.00	80	"	"	"	T.23 S.R.32 E.W.M. 40 A. in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 A. in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.20, T.23 S.R. 32E.W.M.

NAME & ADDRESS	DATE OF RELATIVE PRIORITY	AMOUNT CU. FT. PER SEC.	NUMBER ACRES	USE	NAME OF DITCH	STREAM	DESCRIPTION
Welcome, J.C., Jr., 1908	2.00	160	Irrigation	Welcome	Foley &	40 A. in NE $\frac{1}{4}$ SW $\frac{1}{4}$	
Welcome, A.C. and				McPheat-	Poison	40 A. in NW $\frac{1}{4}$ SW $\frac{1}{4}$	
Welcome, J.C., Jr.,				ers	Creek	40 A. in SW $\frac{1}{4}$ SW $\frac{1}{4}$	
Burns, Ore.					Slough	40 A. in SE $\frac{1}{4}$ SW $\frac{1}{4}$	
					& Poison	Sec. 28,	
					Creek	T. 23 S. R. 32 E. W. M.	

And that the right of Paul Howes to the use of two cubic feet (2 cu. ft.) per second from Poison Slough for the irrigation of one hundred and sixty (160) acres, under date of priority of May 16th, 1917, for the irrigation of forty (40) acres in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$); forty (40) acres in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$); forty (40) acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and forty (40) acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-seven (27), Township Twenty-three (23) South, Range Thirty-two (32) East of the Willamette Meridian in Harney County, Oregon, had been certified and is of record in Volumes 3, page 1991, Record of Water Right Certificates in the State Engineer's office.

It further appearing that Foley Slough diverts water from the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-one (31), Township Twenty-two (22) South, Range Thirty-one (31) East, and that the applicants intend to construct a ditch diverting from Silvie's River in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Four (4), Township Twenty-three (23) South, Range Thirty-one (31) East, and running thence in a westerly direction to a junction with Poison Slough;

And it further appearing that watermaster A. H. Page has investigated the matter and recommends that the proposed change will promote a more orderly distribution of water, and a more economical use;

And it appearing further that the change in the location of the point of diversion will not interfere with other rights from said stream;

NOW, THEREFORE, it is hereby ORDERED that said change in point of diversion be approved and the watermaster be directed to measure the quantity of water to which these applicants are entitled to divert under their respective rights, as above set forth, at the new point of diversion in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 4, Township 23, South, Range 31 East, or as near thereto as is practicable.

Dated this 27th day of October, 1925, at Salem, Oregon.

H. H. Luper
H. H. LUPER

State Engineer.