

Union County

IN THE MATTER OF THE APPLICATION )  
 OF EDWARD W. SORENSON FOR THE )  
 APPROVAL OF A CHANGE IN POINT OF )  
 DIVERSION OF WATER FROM ANTHONY )  
 CREEK. )  
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O R D E R

APPROVING APPLICATION

On December 10, 1959, Edward W. Sorenson of North Powder, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Anthony Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Union County, entered April 24, 1913, in the matter of the determination of the relative rights to the use of the waters of the North Powder River and its tributaries, a water right was established in the name of Elmer Shipp for the irrigation of 10 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 4 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 20 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 4 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22, Township 6 South, Range 38 East, W. M., with a date of priority of 1908, and in the name of J. H. Hutchinson for the irrigation of 20.5 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 25 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 11 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16, and 6.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 27 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 7 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, Township 6 South, Range 38 East, W. M., with a date of priority of 1885. Certificate of water right issued to B. F. Sorenson and recorded at page 13423, Volume 11, State Record of Water Right Certificates, confirms a right under Permit No. 14179 for the irrigation of 40 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 20 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 10 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, Township 6 South, Range 38 East, W. M., with a date of priority of January 26, 1940. All of the lands above described are irrigated through the Tucker Flat ditch from Anthony Creek, the point of diversion of said ditch being located 1550 feet south and 1700 feet east from the northwest corner of Section 13, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 13, Township 6 South, Range 37 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of the Carnes-Shaw ditch, the point of diversion of said ditch being located 1690 feet south and 990 feet east from the northwest corner of Section 13, and being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 13, Township 6 South, Range 37 East, W. M.

By agreement dated November 6, 1944, between the Carnes-Shaw Ditch Company, a corporation, and B. F. Sorenson, and recorded at page 263, Book 108, Records of Union County, Oregon, the Carnes-Shaw Ditch Company agrees that B. F. Sorenson shall have the right to take the water for the lands above described through the Carnes-Shaw ditch.

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 an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

No objections having been filed and it appearing that the proposed change in point of diversion of water 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 a point located 1550 feet south and 1700 feet east from the northwest corner of Section 13, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 13, Township 6 South, Range 37 East, W. M.,

To a point to be located 1690 feet south and 990 feet east from the northwest corner of Section 13, and being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 13, Township 6 South, Range 37 East, W. M.,

for the irrigation of 10 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 4 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 20 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 4 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22, Township 6 South, Range 38 East, W. M., with a date of priority of 1908, and 20.5 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 25 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 11 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16, and 6.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 27 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 7 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, Township 6 South, Range 38 East, W. M., with a date of

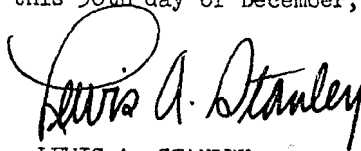
priority of 1885, and 40 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 20 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 10 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, Township 6 South, Range 38 East, W. M., with a date of priority of January 26, 1940, be and the same is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion.

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, 1960, or within such extension of time as may be granted by the State Engineer for good cause shown.

Dated at Salem, Oregon, this 30th day of December, 1959.

*Noted on Decree  
Vol. 3, p. 275, 277  
Cert. # 1469, 1539, 13423  
also App. # 18553*

  
LEWIS A. STANLEY  
State Engineer