

BEFORE THE STATE ENGINEER OF OREGON

Morrow County

IN THE MATTER OF THE APPLICATION )  
OF L. A. PALMER FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM WILLOW CREEK. )  
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O R D E R  
APPROVING APPLICATION

On April 21, 1955, L. A. Palmer of Lexington, Oregon, filed an application for the approval of a change in point of diversion of water from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Morrow County, entered December 12, 1910, in the matter of the determination of the relative rights to the waters of Willow Creek and its tributaries, a water right was adjudicated in the name of Rhoda Summer for the irrigation of 5 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 5.5 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 2.5 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 7 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 7 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20 and 13 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 1 South, Range 25 East, W. M., from Willow Creek, of which 5 acres have a date of priority of 1872 and 35 acres have a date of priority of 1905. These lands are irrigated through the Summer ditch, the point of diversion of said ditch being located 1280 feet east and 90 feet south from the northwest corner of Section 28, and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 28, Township 1 South, Range 25 East, W. M.

The applicant herein, owner of the lands above described, proposes to change his point of diversion upstream to a point to be located 1920 feet east and 560 feet south from the northwest corner of Section 28, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 28, Township 1 South, Range 25 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 in applications for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

It appears that the proposed change in point of diversion of water may be made without injury to existing rights and the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Willow Creek, to-wit:

From a point located 1280 feet east and 90 feet south from the northwest corner of Section 28, and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 28, Township 1 South, Range 25 East, W. M.,

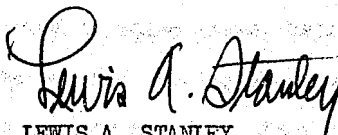
To a point to be located 1920 feet east and 560 feet south from the northwest corner of Section 28, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 28, Township 1 South, Range 25 East, W. M.,

for the irrigation of 5 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 5.5 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 2.5 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 7 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 7 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20 and 13 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 1 South, Range 25 East, W. M., of which 5 acres have a date of priority of 1872 and 35 acres have a date of priority of 1905, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1955 or within such extension of time as may be granted by the State Engineer for good cause shown and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

It is FURTHER ORDERED that the quantity of water 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 29th day of April 1955.



LEWIS A. STANLEY  
State Engineer

Noted on Decree  
Vol. 1 p 26  
Cert. 194