

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION OF )  
ROBERT B. LILLY FOR THE APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF WATER )  
FROM ILER CREEK. )  
----- )

O R D E R  
APPROVING APPLICATION

On May 28, 1948, Robert B. Lilly of Gales Creek, Oregon, filed an application for the approval of a change in point of diversion of water from Iler Creek, a tributary of Gales Creek, pursuant to the provisions of Section 116-606, O.C.L.A.

Certificate of Water Right recorded at page 12354, Volume 11, State Record of Water Right Certificates was issued to Robert B. Lilly confirming a right to the use of the waters of Iler Creek under Permit No. 11736 for the irrigation of 6.7 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 8.9 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 7, Township 1 North, Range 4 West, W.M., with a date of priority of June 25, 1935. The point of diversion of the ditch used for the irrigation of these lands is located 1040 feet South and 40 feet East from the NW corner of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 7, Township 1 North, Range 4 West, W.M.

The applicant herein, owner of the above described lands and water right appurtenant thereto, proposes to install a pumping plant downstream 435 feet from the present point of diversion for the irrigation of said lands, the point of diversion of said pumping plant to be located 1040 feet South and 470 feet East from the NW corner of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 7, Township 1 North, Range 4 West, W.M.

Notice by publication, as provided by Section 116-606, O.C.L.A., was not given in connection with this application for the reason that

said section provides that in applications for a change in point of diversion of less than one-fourth mile and where there are no intervening diversions between the old point of diversion of the applicant and his proposed new point of diversion no notice shall be required to be published.

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 is hereby ORDERED that the proposed change in point of diversion of water from Iler Creek, to-wit:

From a point located 1040 feet South and 40 feet East from the NW corner of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 7, Township 1 North, Range 4 West, W.M.,

To a point to be located 1040 feet South and 470 feet East from the NW corner of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 7, Township 1 North, Range 4 West, W.M.,

for the irrigation of 6.7 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 8.9 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 7, Township 1 North, Range 4 West, W.M., with a date of priority of June 25, 1935, be and the same hereby is approved.

Dated at Salem, Oregon, this 2nd day of June, 1948.

  
CHAS. E. STRICKLIN  
State Engineer

*Noted on Cert. 12354  
Trsf. 1-23*