

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
 OF FRED W. FALCONER FOR APPROVAL)
 OF A CHANGE IN POINT OF DIVERSION) O R D E R
 OF WATER.)
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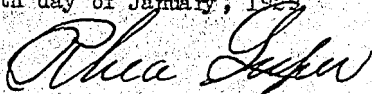
Fred W. Falconer of Pendleton, Oregon has applied to the State Engineer for approval of a change in point of diversion of water from West Birch Creek for irrigation of 25 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 10 acres in the SW $\frac{1}{4}$ SD $\frac{1}{4}$ of Section 25, Township 1 South, Range 31 East, W.M. The water right now appurtenant to said lands was confirmed by decree of the Circuit Court for Umatilla County in the adjudication proceedings. The present diversion is at the head of the Willson Ditch which is located about 100 feet north and 1,000 feet east of the quarter corner between Sections 55 and 56, Township 1 South, Range 31 East, W.M. It is proposed to change this diversion to the present head of the Cunningham Ditch which is located approximately 1,200 feet east and 250 feet south of the quarter corner between Sections 1 and 2, Township 2 South, Range 31 East, W.M.

On receipt of the above mentioned application, a notice was prepared and published at the expense of the applicant in accordance with the provisions of Section 5764, Oregon Laws in the Pendleton East Oregonian, a daily newspaper having general circulation in Umatilla County once each week for four consecutive weeks, the first publication being on December 21, 1928 and the last on January 18, 1929. In the said published notice all persons interested were notified that a hearing would be held in the office of the State Engineer at Salem, Oregon on Friday, the 25th day of January, 1929 at 2:00 o'clock P.M. and that if any objections were presented, they would be heard and determined at that time and place. No such objections to the proposed change were filed.

It appears to the State Engineer that this change in point of diversion will not be an injury to rights of other users of water from West Birch Creek.

Therefore it is ORDERED that the said change as above outlined be and the same is hereby approved.

Dated at Salem, Oregon this 26th day of January, 1928



RHEA LUPER,
State Engineer.

Notations made on records:

*Decree: Vol 3 p. 223
Cert. # 2647*