

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION)
OF FRANKLIN L. LOENNIG FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM NORTH)
POWDER RIVER.)

O R D E R
APPROVING APPLICATION

On February 6, 1953 Franklin L. Loennig of North Powder, Oregon filed an application for the approval of a change in point of diversion of water from North Powder River, pursuant to the provisions of Section 116-606, O. C. L. A.

By Decree of the Circuit Court for Union County, dated April 6, 1914, in the Matter of the Determination of the Relative Rights to the Waters of North Powder River and Its Tributaries, a water right was adjudicated in the name of William N. Gardner for domestic and stock purposes with a date of priority of 1862 and for the irrigation of 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 7 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 6 South, Range 38 East, W. M., with a date of priority of 1870, through the Gardiner Mill Race. The point of diversion of the Gardner Mill Race is located 440 feet north and 1810 feet west from the southeast corner of Section 32, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 32, Township 6 South, Range 38 East, W. M.

Franklin L. Loennig, owner of the lands above described, proposes to change the point of diversion for domestic and stock use and the irrigation of said lands to the Hutchinson Sidehill ditch, the point of diversion of said ditch being located 165 feet north and 2165 feet west from the southeast corner of Section 32, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 32, Township 6 South, Range 38 East, 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 notice is not required 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.

Mr. Floyd Willis, Watermaster of District No. 14, has filed a report to the effect that the proposed change in point of diversion of water from North Powder River may be made without injury to existing rights.

E. E. Davis, Merton A. Davis, Mabel E. Withycombe, Hester Ann McCullough, Melvin Gekeler and Mary F. Hutchinson, owners of the Hutchinson Hillside ditch, have filed written approval of the proposed change in point of diversion of water by Franklin L. Loennig.

No objections having been filed and it appearing that the proposed change in point of diversion of water from North Powder River 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 North Powder River, to-wit:

From a point located 440 feet north and 1810 feet west from the southeast corner of Section 32, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 32, Township 6 South, Range 38 East, W. M.,


To a point to be located 165 feet north and 2165 feet west from the southeast corner of Section 32, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 32, Township 6 South, Range 38 East, W. M.,

for domestic and stock purposes and the irrigation of 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 7 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 6 South, Range 38 East, W. M., the right for domestic and stock purposes having a date of priority of 1862 and the right for irrigation having a date of priority of 1870, 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, 1953 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.

Dated at Salem, Oregon this 3rd day of March 1953.

Noted on Decree
Vol. 3 p. 260
Cert. # 1468


CHAS. E. STRICKLIN
State Engineer