

BEFORE THE STATE ENGINEER OF OREGON

Malheur County

IN THE MATTER OF THE APPLICATION )  
OF ROSINA BRONSON FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM WILLOW CREEK. )

O R D E R

APPROVING APPLICATION

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On November 3, 1954, Rosina Bronson 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 decrees of the Circuit Court for Malheur County, Oregon, entered June 6, 1916 and August 30, 1956, in the matter of the determination of the relative rights of the various claimants to the waters of Willow Creek and its tributaries, a water right was adjudicated in the name of Alice Williams for the irrigation of 35 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 15 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 30 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.5 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 20 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 1, Township 14 South, Range 40 East, W. M., from Willow Creek with a date of priority of 1868. The water for the irrigation of these lands is conveyed through the Morfitt ditches, the point of diversion of the Upper Morfitt ditch being located 1450 feet north and 1190 feet east from the southwest corner of Section 1 and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 1, Township 14 South, Range 40 East, W. M., and the diversion of the Lower Morfitt ditch being located 1540 feet south and 2590 feet west from the northeast corner of Section 1, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 1, Township 14 South, Range 40 East, W. M.

The applicant herein, owner of the land above described, proposes to change the upper diversion downstream to a point to be located 2710 feet north and 1810 feet east from the southwest corner of Section 1, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 1, Township 14 South, Range 40 East, W. M., and to change the lower diversion upstream to a point to be located 2960 feet west and 1765 feet south from the northeast corner of Section 1, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 1, Township 14 South, Range 40 East, W. M.

Notice by publication as provided by ORS 540.520 was given in the Ontario Argus-Observer, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks and being the issues of December 20 and 27, 1956 and January 3, 1957. The time for hearing as fixed in the notice, namely: February 14, 1957, was not less than thirty days after the last publication of the notice.

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

From a point located 1450 feet north and 1190 feet east from the southwest corner of Section 1, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 1, Township 14 South, Range 40 East, W. M.,

To a point to be located 2710 feet north and 1810 feet east from the southwest corner of Section 1, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 1, Township 14 South, Range 40 East, W. M., and

From a point located 1540 feet south and 2590 feet west from the northeast corner of Section 1, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 1, Township 14 South, Range 40 East, W. M.,

To a point to be located 2960 feet west and 1765 feet south from the northeast corner of Section 1, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 1, Township 14 South, Range 40 East, W. M.,

for the irrigation of 35 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 15 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 30 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.5 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 20 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 1, Township 14 South, Range 40 East, W. M., with a date of priority of 1868, be and the same hereby is approved.

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, 1957 or within such extension of time as may be granted by the State Engineer for good cause shown.

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 19th day of February 1957.



LEWIS A. STANLEY  
State Engineer

*Noted on Dec 11  
Vol. 3, p 301  
Cert. 1625*

*Trst. "B-89"*