

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION )  
OF CLYDE WARD FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM POWDER RIVER )  
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ORDER APPROVING  
TRANSFER NO. 2582

On November 8, 1971, Clyde Ward filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered March 18, 1919, In the Matter of the Determination of the Relative Rights to the use of the waters of Powder River and its Tributaries, a water right was established in the name of T. N. Profitt for the use of the waters of Powder River for the irrigation of, among other lands, 40.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, and 40.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7, Township 9 South, Range 40 East, W.M., with a date of priority of 1899. This right is evidenced by certificate recorded at page 4426, Volume 5, State Record of Water Right Certificates. These lands are irrigated by means of the Old Settler's Slough from a point of diversion located 370 feet South and 200 feet East from the West  $\frac{1}{4}$  corner of Section 21, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 9 South, Range 40 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Eppinger Lynn Ditch from a point of diversion to be located 50 feet South and 100 feet West from the East  $\frac{1}{4}$  corner of Section 8, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 8, Township 9 South, Range 40 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Baker, Oregon, on April 10, 1972, at 9:30 a.m. The notice was published in The Record-Courier, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of February 17, 24 and March 2, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. George M. Ward, Watermaster of District No. 8, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

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 hereby is ORDERED that the change in point of diversion of water from Powder River, to-wit:

From a point located 370 feet South and 200 feet East from the west  $\frac{1}{4}$  corner of Section 21, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 9 South, Range 40 East, W.M.

To a point to be located 50 feet South and 100 feet West from the East  $\frac{1}{4}$  corner of Section 8, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , of Section 8, Township 9 South, Range 40 East, W.M.

for the irrigation of 40.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, and 40.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7, Township 9 South, Range 40 East, W.M., with a date of priority of 1899, 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, 1973.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 1/40 of one cubic foot per second of water per acre irrigated.

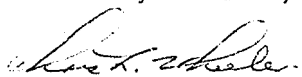
It is FURTHER ORDERED that the following provision shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to T. N. Profitt and recorded at page 4426, Volume 5, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Clyde Ward confirming said change in point of diversion.

Dated at Salem, Oregon, this 11th day of April, 1972.

  
CHRIS L. WHEELER  
State Engineer