

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION }
OF L. M. INGRAM FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM SAND CREEK }

ORDER APPROVING
TRANSFER NO. 3015

On April 8, 1974, L. M. Ingram filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Sand Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered March 18, 1918, 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 Edward W. Coles for the use of the waters of Sand Creek for the irrigation of, among other lands, 15.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 34.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 7.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 7 South, Range 39 East, W.M., with a date of priority of April 28, 1881, as evidenced by certificate of water right recorded at page 4073, Volume 5, State Record of Water Right Certificates. These lands are irrigated by means of the Coles Ditch from a point of diversion located 1000 feet South and 1320 feet West from the Northeast corner of Section 31, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 7 South, Range 39 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 20 feet North and 400 feet East from the Southwest corner of Section 28, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 7 South, Range 39 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 June 17, 1975, at 9:30 a.m. The notice was published in the Baker Record-Courier, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of April 24, May 1 and May 8, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. V. Kent Searles, 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 objection having been filed and it appearing that the proposed change in point of diversion 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 Sand Creek, to wit:

From a point located 1000 feet South and 1320 feet West from the Northeast corner of Section 31, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 7 South, Range 39 East, W.M.

To a point to be located 20 feet North and 400 feet East from the Southwest corner of Section 28, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 7 South, Range 39 East, W.M.

for the irrigation of 15.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 34.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 7.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 7 South, Range 39 East, W.M., with a date of priority of April 28, 1881, 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, 1976.

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 1.4 cubic feet per second.

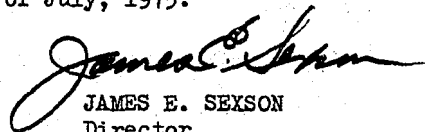
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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 Edward W. Coles and recorded at page 4073, Volume 5, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding. Upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to L. M. Ingram confirming the change in point of diversion.

Dated at Salem, Oregon, this 16th day of July, 1975.


JAMES E. SEXSON
Director