

BEFORE THE STATE ENGINEER OF OREGON

Union County

IN THE MATTER OF THE APPLICATION  
OF BURR AND MARY CHRISTINE COURT-  
RIGHT FOR THE APPROVAL OF A CHANGE  
IN POINT OF DIVERSION OF WATER  
FROM POWDER RIVER

ORDER APPROVING  
TRANSFER NO. 3068

On June 24, 1974, Burr and Mary Christine Courtright 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.

Certificate of water right issued to Richard B. Alexander and recorded at page 39115, Volume 31, State Record of Water Right Certificates, confirms a right to the use of not to exceed 7.42 cubic feet per second of water from Powder River for the irrigation of, among other lands, 39.5 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 39.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 39.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 39.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14; 40.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 40.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 6.8 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 40.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 39.5 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 30.8 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 34.4 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 23; and 34.8 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 24, all Township 7 South, Range 39 East, W.M., with a date of priority of March 15, 1966. These lands are irrigated from a point of diversion located 1250 feet North and 1330 feet East from the center corner of SW $\frac{1}{4}$  of Section 21, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21, Township 7 South, Range 39 East, W.M.

The applicants herein, contract purchasers of the lands above described, propose to irrigate these lands from a point of diversion to be located 1400 feet North and 2350 feet West from the East quarter-corner of Section 15, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 15, 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 La Grande, Oregon, on January 28, 1975, at 9:30 a.m. The notice was published in the Baker Democrat-Herald, a newspaper printed and having general circulation in Union County, Oregon, for a period of three weeks in the issues of December 5, 12, and 19, 1974. 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 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 1230 feet North and 1330 feet East from the center corner of SW $\frac{1}{4}$  of Section 21, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 7 South, Range 39 East, W.M.

To a point to be located 1400 feet North and 2350 feet West from the East quarter-corner of Section 15, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 15, Township 7 South, Range 39 East, W.M.

for the irrigation of 39.5 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 39.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 39.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 39.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14; 40.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 40.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 6.8 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 40.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 39.5 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 30.8 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 34.4 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 23; and 34.8 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 24, all Township 7 South, Range 39 East, W.M., with a date of priority of March 15, 1966, 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, 1975.

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 7.42 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 Richard B. Alexander and recorded at page 39115, Volume 31, 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 Burr and Mary Christine Courtright confirming the change in point of diversion.

Dated at Salem, Oregon, this 18th day of February, 1975.

  
CHRIS L. WHEELER  
State Engineer