

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION )  
OF NETTIE A. DAVIDSON FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM ROCK CREEK. )  
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O R D E R

APPROVING APPLICATION

On November 29, 1957, Nettie A. Davidson of Haines, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Rock 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 of the various claimants to the waters of Powder River and its tributaries, a water right was established in the name of W. A. Owen for the irrigation of, among other land, 20 acres in the  $W\frac{1}{2}$   $NE\frac{1}{4}$   $NE\frac{1}{4}$  and 40 acres in the  $NW\frac{1}{4}$   $NE\frac{1}{4}$ , Section 6, Township 8 South, Range 39 East, W. M., from Rock Creek with a date of priority of 1882. These lands are irrigated through the Owen ditch or the Slough, the point of diversion of said ditch or slough being located 463 feet north and 594 feet west from the east quarter corner of Section 34, and being within the  $SE\frac{1}{4}$   $NE\frac{1}{4}$ , said Section 34, Township 7 South, Range 38 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands through the Anderson Morris or Favorite ditch, the point of diversion of said ditch being located 797 feet north and 377 feet west from the southeast corner of the  $SW\frac{1}{4}$   $NW\frac{1}{4}$ , and being within the  $SW\frac{1}{4}$   $NW\frac{1}{4}$ , Section 36, Township 7 South, Range 38 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

courty courthouse in Baker, Oregon on February 18, 1958, beginning at 9:30 o'clock a.m. The notice was published in the Baker Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of December 24 and 31, 1957 and January 7, 1958. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. J. W. Maxwell, Watermaster of District No. 2, has filed a report to the effect that the proposed change in point of diversion of water from Rock Creek 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.

This proposed change in point of diversion of water was actually made several years ago and the application is being filed to comply with the statute and make the change a matter of record. Therefore it is not necessary to make provision for a time within which to complete construction of the new point of diversion.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Rock Creek, to-wit:

From a point located 463 feet north and 594 feet west from the east quarter corner of Section 34, and being within the  $SE\frac{1}{4} NE\frac{1}{4}$ , said Section 34, Township 7 South, Range 38 East, W. M.,

To a point to be located 797 feet north and 377 feet west from the southeast corner of the  $SW\frac{1}{4} NW\frac{1}{4}$ , and being within the  $SW\frac{1}{4} NW\frac{1}{4}$ , Section 36, Township 7 South, Range 38 East, W. M.,

for the irrigation of 20 acres in the  $W\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$  and 40 acres in the  $NW\frac{1}{4} NE\frac{1}{4}$ , Section 6, Township 8 South, Range 39 East, W. M., with a date of priority of 1882, be and the same is approved.

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 4th day of March 1958.

*Noted on Decree  
Vol. 6p 426  
Cert. # 4390*



LEWIS A. STANLEY  
State Engineer