

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION )  
OF FRED THOMPSON FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM EAGLE CREEK )  
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ORDER APPROVING  
TRANSFER NO. T-74

On April 10, 1967, Fred Thompson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Eagle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court of 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 Henry H. Moody for the use of the waters of Eagle Creek for the irrigation of, among other lands, 30.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 27, Township 9 South, Range 45 East, W.M., with a date of priority of 1879. This right was confirmed by certificate recorded at page 4704, Volume 5, State Record of Water Right Certificates. This land is irrigated by means of the Nash Ditch, the point of diversion being located 300 feet south and 100 feet west from the NE corner of the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 10, Township 9 South, Range 45 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate this land from a point of diversion to be located 600 feet north and 900 feet west from the SE corner of Section 15, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15, Township 9 South, Range 45 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 October 4, 1967, 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 August 10, 17, and 24, 1967. 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 proposed change in point of diversion of water from Eagle Creek, to-wit:

From a point located 300 feet south and 100 feet west from the NE corner of SE $\frac{1}{4}$  SW $\frac{1}{4}$ , being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 10, Township 9 South, Range 45 East, W.M.

To a point to be located 600 feet north and 900 feet west from the SE corner of Section 15, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15, Township 9 South, Range 45 East, W.M.

for the irrigation of 30.0 acres in NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , Section 27, Township 9 South, Range 45 East, W.M., with a date of priority of 1879, 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, 1968.

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, and shall not exceed one-fortieth of one cubic foot per second per acre for each acre irrigated.

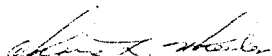
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 Henry H. Moody and recorded at page 4704, 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, certificate of water right shall be issued to Fred Thompson confirming the change in point of diversion of water.

Dated at Salem, Oregon, this 5th day of October, 1967.



CHRIS L. WHEELER  
State Engineer