

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION)
OF CARL C. CARNAHAN FOR A CHANGE)
IN POINT OF DIVERSION OF WATER)
FROM EAGLE CREEK.)
- - - - -)

O R D E R

APPROVING APPLICATION

On February 13, 1939, Carl C. Carnahan of New Bridge, Oregon, filed an application for the approval of a change in point of diversion of water from Eagle Creek.

By decree of the court for Baker County, dated 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 recognized in the name of J. W. Carnahan for the irrigation of 65 acres in the SW $\frac{1}{4}$, Section 11, Township 9 South, Range 45 East, W. M., with a date of priority of 1877, through the Newt Young Ditch, the point of diversion of said ditch being located 880 feet south and 460 feet east from the northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, Township 8 South, Range 45 East, W. M.

The applicant herein, owner of the above-described lands, proposes to change the present point of diversion for the irrigation of 7 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 9 South, Range 45 East, W.M., to the head of the Holcomb Ditch, the point of diversion of said ditch being located 1,120 feet south and 1,710 feet west from the northeast corner of Section 29, Township 8 South, Range 45 East, W. M.

In accordance with Section 47-712, Oregon Code 1930, notice of filing said application and time for hearing was duly published and within ten days prior to the date set for hearing, the Holcomb Ditch Company by its secretary R. S. Sharp, of New Bridge, Oregon, filed a protest with the State Engineer against the allowance of said application.

Upon receipt of said protest, R. S. Sharp, Secretary, Holcomb

Ditch Company, New Bridge, Oregon, and C. T. Godwin, attorney for Carl C. Carnahan, were notified that the date of hearing as fixed in the published notice would be postponed to 10:00 a. m., Tuesday, June 6, 1939 at the County Court House at Baker, Oregon. At said time and place appearance was made by the applicant, Carl C. Carnahan and his attorney, C. T. Godwin. No appearance was made on behalf of objector ditch company by any of its officers or owners.

After having carefully considered the matter it appears that the proposed change can be effected without injury to existing rights, as contemplated by Section 47-712, Oregon Code 1930.

NOW, THEREFORE, it is hereby ORDERED that the proposed change in point of diversion of water for the irrigation of 7 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 9 South, Range 45 East, W. M., from Eagle Creek, to wit: From a point located 880 feet South and 460 feet East from the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, Township 8 South, Range 45 East, W. M., to a point located 1,120 feet south and 1,710 feet west from the northeast corner of Section 29, Township 8 South, Range 45 East, W. M., be and the same hereby is approved.

Dated at Salem, Oregon, this 15th day of June, 1939.


CHAS. E. STRICKLIN
State Engineer.

*Noted on Decree,
Vol. 6, p. 467 and
Cert. 4615*