

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION)
OF HARRY K. COFFEY FOR THE APPRO-)
VAL OF A CHANGE IN POINTS OF DI-)
VERSION OF WATER FROM POWDER RIVER.)

O R D E R

APPROVING APPLICATION

On May 9, 1950, Harry K. Coffey of Portland, Oregon, filed an application for the approval of a change in points of diversion of water, from Powder River, pursuant to the provisions of Section 116-606, O. C. L. A.

Certificate of Water Right, recorded at page 1633, Volume 2, State Record of Water Right Certificates, was issued to H. C. Hainey and John E. Astner confirming a right under Permit No. 296 for the use of the water of Powder River for the irrigation of, among other lands, 36.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 33.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, Township 7 South, Range 40 East, W. M., with a date of priority of April 19, 1910. The foregoing described lands are irrigated through the Kester-Swinyer-Myers ditch, the point of diversion of said ditch being located North 83° 16' West 23.80 Chains from the southeast corner, Section 2, Township 8 South, Range 39 East, W. M., and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 2.

Certificate of Water Right, recorded at page 3430, Volume 4, State Record of Water Right Certificates, was issued to Oscar Nelson confirming a right under Permit No. 4248 for the use of the water of Powder River for the irrigation of 30 acres in Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 6, Township 8 South,

Range 40 East, W. M., with a date of priority of October 6, 1919. The foregoing described lands are irrigated through the New Haney ditch, the point of diversion of said ditch being located South 55° 05' West 8.30 Chains from the corner common to Sections 1, 2, 11 and 12, Township 8 South, Range 39 East, W. M., and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 8 South, Range 39 East, W. M.

The applicant herein, owner of the lands above described to which said water rights are appurtenant, proposes to change his points of diversion to a point to be located 350 feet south and 500 feet west from the corner common to Sections 1, 2, 11 and 12 and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 11, Township 8 South, Range 39 East, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was not given in connection with this application for the reason that said section provides that in applications for a change in point of diversion of less than one-fourth mile and where there are no intervening diversions between the old point of diversion and the new proposed point of diversion, no notice is required to be published.

Mr. J. W. Maxwell, Watermaster, District Number 2, Baker, Oregon, has submitted a statement to the effect that this proposed change in points of diversion was actually made some 25 years ago, that it would not affect anyone and that it would correct the records.

No objections having been filed and it appearing that the proposed change in points 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 points of diversion of water from Powder River, to-wit:

From a point located North $83^{\circ} 16'$ West 23.80 chains from the Southeast corner of Section 2 and being within the $SW\frac{1}{4} SE\frac{1}{4}$, Section 2, Township 8 South, Range 39 East, W. M., heretofore used for the irrigation of 36.5 acres in the $NW\frac{1}{4} SW\frac{1}{4}$ and 33.5 acres in the $SW\frac{1}{4} SW\frac{1}{4}$, Section 31, Township 7 South, Range 40 East, W. M., and

From a point located South $55^{\circ} 05'$ West 8.30 chains from the corner common to Sections 1, 2, 11 and 12 and being within the $NE\frac{1}{4} NE\frac{1}{4}$, said Section 11, Township 8 South, Range 39 East, W. M., heretofore used for the irrigation of 30 acres in Lot 4 ($NW\frac{1}{4} NW\frac{1}{4}$), Section 6, Township 8 South, Range 40 East, W. M.,

To a point to be located 350 feet south and 500 feet west from the corner common to Sections 1, 2, 11 and 12 and being within the $NE\frac{1}{4} NE\frac{1}{4}$, said Section 11, Township 8 South, Range 39 East, W. M.

for the irrigation of 36.5 acres in the $NW\frac{1}{4} SW\frac{1}{4}$ and 33.5 acres in the $SW\frac{1}{4} SW\frac{1}{4}$, Section 31, Township 7 South, Range 40 East, W. M., with a date of priority of April 19, 1910 and 30 acres in Lot 4 ($NW\frac{1}{4} NW\frac{1}{4}$), Section 6, Township 8 South, Range 40 East, W. M., with a date of priority of October 6, 1919, be and the same hereby is approved.

Dated at Salem, Oregon, this 17th day of July, 1950.


CHAS. E. STRICKLIN
State Engineer