

BEFORE THE STATE ENGINEER OF OREGON

Baker County

*This order cancelled:
See Sp. Or. Vol. 6, p. 194*

IN THE MATTER OF THE APPLICATION OF WEAVER BOND, JESSE BROWN, EDNA & MARGARET CORRELL, FEDERAL FARM MORTGAGE CORPORATION, MARGARET K. GEDDES, GUST GEKAS, HOLLAND LAND COMPANY, ESTELLA M. HUNSAKER, JAMES & JOSEPH McENROE, GUARDIANS FOR MATILDA McENROE, E. B. MOELLER, HENRY PEYRON, FLORENCE PROWELL, W. J. ROBINSON, STATE LAND BOARD, FRANCIS STODDARD, CHAS. & HENRY WENDT, AND ED YORK FOR THE APPROVAL OF A CHANGE IN POINT OF DIVERSION OF WATER FROM POWDER RIVER.

O R D E R
APPROVING APPLICATION

On January 26, 1939, Weaver Bond, Jesse Brown, Edna & Margaret Correll, Federal Farm Mortgage Corporation, Margaret K. Geddes, Gust Gekas, Holland Land Company, Estella M. Hunsaker, James & Joseph McEnroe, guardians for Matilda McEnroe, E. B. Moeller, Henry Peyron, Florence Prowell, W. J. Robinson, State Land Board, Francis Stoddard, Chas. & Henry Wendt, and Ed York filed an application with Chas. E. Stricklin, State Engineer, for the approval of a change in point of diversion of water from Powder River.

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, the following-described lands were awarded water rights from Powder River through the Wisdom-Chambers Ditch, the point of diversion of said ditch being located approximately 25 feet south and 111 feet east from the southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 9 South, Range 40 East, W. M., and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 9, same township and range:

<u>Name of Appropriator</u>	<u>Date of Priority</u>	<u>Number Acres</u>	<u>Description of Land or Place of Use</u>
Bond, Weaver	1903	80	40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T. 8 S., R. 40 E., W. M.
Brown, Jesse	1899	20	20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 9 S., R. 40 E., W. M.

<u>Name of Appropriator</u>	<u>Date of Priority</u>	<u>Number Acres</u>	<u>Description of Land or Place of Use</u>
Correll, Edna	1885	40	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T. 8 S., R. 40 E., W. M.
Correll, Margaret & Edna	4/24/85	40	40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 9 S., R. 40 E., W. M.
Federal Farm Mortgage Corporation	1905	40	40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T. 8 S., R. 40 E., W. M.
Geddes, Margaret K.	1902	120	40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26; 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, T. 8 S., R. 40 E., W. M.
Gekas, Gust	1906	84	40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 14 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T. 9 S., R. 40 E., W. M.
Holland Land Company	1899	40	40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 8 S., R. 40 E., W. M.
Hunsaker, Estella M.	1885	40	40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 9 S., R. 40 E., W. M.
McEnroe, James & Joseph, Guardians for Matilda McEnroe	1877	148	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5; 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 28 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 24 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 9 S., R. 40 E., W. M.
1889	64		
Moeller, E. B.	1903	160	40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T. 8 S., R. 40 E., W. M.

<u>Name of Appropriator</u>	<u>Date of Priority</u>	<u>Number Acres</u>	<u>Description of Land or Place of Use</u>
Peyron, Henry	4/24/85	10	10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 8 S., R. 40 E., W. M.
Prowell, Florence	4/24/85	70	20 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 8 S., R. 40 E., W. M.
Robinson, W. J.	1906	40	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 9 S., R. 40 E., W. M.
State Land Board	1906	100	32 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 28 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T. 8 S., R. 40 E., W. M.
Stoddard, Francis	1903	80	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 9 S., R. 40 E., W. M.
Wendt, Chas. & Henry	1885	80	40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 8 S., R. 40 E., W. M.
York, Ed	1885	4.5	4.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 9 S., R. 40 E., W. M.

The applicants herein propose to change the point of diversion of water from the Wisdom-Chambers Ditch to the Williams-McDougal Ditch, the point of diversion of the Williams-McDougal Ditch being located approximately 25 feet north and 132 feet east from the southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 9 South, Range 40 East, W. M., and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 9, same township and range.

Notice by publication as provided by Section 47-712, Oregon Code 1935 Supplement, is not required in connection with this application for the reason that the distance between the present point of diversion and proposed new point of diversion is less than one-fourth mile and there are no intervening diversions.

It appears that such change can be made without injury to existing rights.

NOW, THEREFORE, it hereby is ORDERED that the present point of diversion located approximately 25 feet south and 111 feet east from the southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 9 South, Range 40 East, W. M., and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 9, same township and range, be and the same hereby is changed to a point to be located approximately 25 feet north and 132 feet east from the southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 9 South, Range 40 East, W. M., and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 9, same township and range, for the irrigation of the following-described lands:

<u>Name of Appropriator</u>	<u>Date of Priority</u>	<u>Number Acres</u>	<u>Description of Land or Place of Use</u>
Bond, Weaver	1903	80	40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T. 8 S., R. 40 E., W. M.
Brown, Jesse	1899	20	20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 9 S., R. 40 E., W. M.
Correll, Edna	1885	40	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T. 8 S., R. 40 E., W. M.
Correll, Margaret & Edna	4/24/85	40	40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 9 S., R. 40 E., W. M.
Federal Farm Mortgage Corporation	1905	40	40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T. 8 S., R. 40 E., W. M.

<u>Name of Appropriator</u>	<u>Date of Priority</u>	<u>Number Acres</u>	<u>Description of Land or Place of Use</u>
Geddes, Margaret K.	1902	120	40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26; 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, T. 8 S., R. 40 E., W. M.
Gekas, Gust	1906	84	40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 14 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T. 9 S., R. 40 E., W. M.
Holland Land Company	1899	40	40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T. 8 S., R. 40 E., W. M.
Hunsaker, Estella M.	1885	40	40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 9 S., R. 40 E., W. M.
McEnroe, James & Joseph, Guardians for Matilda McEnroe	1877	148	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5; 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 28 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 24 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 9 S., R. 40 E., W. M.
Moeller, E. B.	1903	160	40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T. 8 S., R. 40 E., W. M.
Peyron, Henry	4/24/85	10	10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 8 S., R. 40 E., W. M.
Prowell, Florence	4/24/85	70	20 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 8 S., R. 40 E., W. M.

<u>Name of Appropriator</u>	<u>Date of Priority</u>	<u>Number Acres</u>	<u>Description of Land or Place of Use</u>
Robinson, W. J.	1906	40	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 9 S., R. 40 E., W. M.
State Land Board	1906	100	32 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 28 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T. 8 S., R. 40 E., W. M.
Stoddard, Francis	1903	80	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 9 S., R. 40 E., W. M.
Wendt, Chas. & Henry	1885	80	40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 8 S., R. 40 E., W. M.
York, Ed	1885	4.5	4.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 9 S., R. 40 E., W. M.

Dated at Salem, Oregon, this 22nd day of May, 1940.


CHAS. E. STRICKLIN

State Engineer