

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION)
OF MERTON A. DAVIS AND EHRMAN E.)
DAVIS FOR THE APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER)
FROM NORTH POWDER RIVER.)

O R D E R
APPROVING APPLICATION

On October 22, 1952 Merton A. Davis and Ehrman E. Davis of North Powder, Oregon filed an application for the approval of a change in point of diversion of water from North Powder River pursuant to the provisions of Section 116-606, O. C. L. A.

By Decree of the Circuit Court for Union County, entered April 6, 1914, in the North Powder River Adjudication Proceedings, a water right was adjudicated in the name of C. E. and A. B. Davis for the irrigation of 26 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 36.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, 80 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$, 39 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 38 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 7 South, Range 38 East, W. M., from North Powder River, through the Bulger ditch, of which 69 acres have a date of priority of 1877 and 150.5 acres have a date of priority of 1903. The point of diversion of the Bulger ditch is located 450 feet north and 840 feet east from the southwest corner of the SE $\frac{1}{4}$, Section 18, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 18, Township 7 South, Range 38 East, W. M.

The applicants herein, owners of the land above described, propose to change the point of diversion for the irrigation of said lands to the Hutchinson Hillside ditch, the point of diversion of said ditch being located 165 feet north and 2165 feet west from the southeast corner of Section 32, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 32, Township 6 South, Range 38 East, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was given in the Baker Democrat-Herald, a newspaper printed and having general circulation in Baker County, for a period of three weeks, being the issues of December 2, 9 and 16, 1952. The date fixed for hearing in said notice, namely: January 28, 1953, was not less than thirty days after the last publication of the notice.

Mr. Floyd Willis, Watermaster of District No. 14, has filed a report to the effect that the proposed change in point of diversion of water from North Powder River may be made without injury to existing rights.

Alvia H. Peters, A. W. Peters, Mary F. Hutchinson, Mabel E. Withycombe, Ancel McCullough and Melvin Bekeler, owners of the Hutchinson Hillside ditch, have filed written approval of the proposed change in point of diversion of water by Merton A. Davis and Ehrman F. Davis.

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

From a point located 450 feet north and 840 feet east from the southwest corner of SE $\frac{1}{4}$, Section 18, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 18, Township 7 South, Range 38 East, W. M.,

To a point to be located 165 feet north and 2165 feet west from the southeast corner of Section 32, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 32, Township 6 South, Range 38 East, W. M.,

for the irrigation of 26 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 36.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, 80 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$, 39 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 38 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 7 South,

Range 38 East, W. M., of which 69 acres have a date of priority of 1877 and 150.5 acres have a date of priority of 1903, be and the same hereby is approved.


It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1953 or within such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

Dated at Salem, Oregon this 3rd day of March 1953.

Noted on Decree

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Cert. # 1455


CHAS. E. STRICKLIN
State Engineer