

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION)
OF LOUIS W. AND IRENE E. ROMIG FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM SUTTON)
CREEK)

ORDER APPROVING
TRANSFER NO. R-109

On August 5, 1968, Louis W. and Irene E. Romig filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Sutton Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Emma Weber and recorded at page 3370, Volume 4, State Record of Water Right Certificates, confirms a right to the use of, not to exceed 0.14 cubic foot per second of water from Sutton Creek for the irrigation of 1.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 8.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.9 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 9 South, Range 40 East, W.M., with a date of priority of September 20, 1916. These lands are irrigated from a point of diversion located in the NW corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ being within the SE $\frac{1}{4}$ of Section 34, Township 9 South, Range 40 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point to be located 1180 feet South and 1440 feet West from the SE corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 9 South, Range 40 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 7, 1968, at 9:30 a.m. The notice was published in The Record-Courier, a

newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of August 15, 22, and 29, 1968. 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 may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion 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 Sutton Creek, to-wit:

From a point located in the NW corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ being within the SE $\frac{1}{4}$ of Section 34, Township 9 South, Range 40 East, W.M.

To a point to be located 1180 feet South and 1440 feet West from the SE corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 9 South, Range 40 East, W.M.

for the irrigation of 1.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 8.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.9 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 9 South, Range 40 East, W.M., with a date of priority of September 20, 1916, 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, 1969.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 0.14 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Emma Weber and recorded at page 3370, Volume 4, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Louis W. and Irene E. Romig confirming the change in point of diversion.

Dated at Salem, Oregon, this 18th day of December, 1968.


CHRIS L. WHEELER
State Engineer