

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION )  
OF JACK D. WELLINGTON FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM POWDER )  
RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. W-127

On March 11, 1968, Jack D. Wellington filed an application in the office of the State Engineer for a change in point of diversion of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to C. M. Pearce and S. L. Baer and recorded at page 3718, Volume 5, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.66 cubic foot per second of water from Powder River for the irrigation of, among other lands, 0.5 acre in NE¼ NE¼, 17.5 acres in SW¼ NE¼, 12.0 acres in SE¼ NE¼, 15.0 acres in NE¼ SE¼, and 7.5 acres in NW¼ SE¼, Section 22, Township 12 South, Range 42 East, W.M., with a date of priority of December 15, 1917. These lands are irrigated from a point of diversion located South 27.25 chains and South 38° 15' West 5.75 chains from the quarter section corner on the North line of Section 22, being within the SE¼ NW¼ of Section 22, Township 8 South, Range 42 East, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation through Erwin (Irwin) Ditch from a point located 1550 feet South and 150 feet West from the NW¼ corner of Section 34 being within the SE¼ NW¼ of Section 34, Township 7 South, Range 41 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 March 11, 1968, at 9:30 a.m. The notice was published in the Baker Democrat Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of January 18, 25, and February 1, 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 Powder River, to-wit:

From a point located South 27.25 chains and South 38° 15' West 5.75 chains from the quarter section corner on the North line of Section 22, being within the SE¼ NW¼ of Section 22, Township 8 South, Range 42 East, W.M.

To a point to be located 1550 feet South and 150 feet West from the N¼ corner of Section 34, being within the SE¼ NW¼ of Section 34, Township 7 South, Range 41 East, W.M.

for the irrigation of 0.5 acre in NE¼ NE¼, 17.5 acres in SW¼ NE¼, 12.0 acres in SE¼ NE¼, 15.0 acres in NE¼ SE¼, and 7.5 acres in NW¼ SE¼, Section 22, Township 12 South, Range 42 East, W.M., with a date of priority of December 15, 1917, 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, 1968.

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 0.66 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 C. M. Pearce and S. L. Baer and recorded at page 3718, Volume 5, State Record of Water Right Certificates is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding 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 Jack D. Wellington confirming the change in point of diversion.

Dated at Salem, Oregon, this 18<sup>th</sup> day of March, 1968.

  
CHRIS L. WHEELER  
State Engineer