

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION)
OF PAUL HILL FOR THE APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER FROM POWDER RIVER)
-----)

ORDER APPROVING
TRANSFER NO. H-176

On September 5, 1967, Paul Hill filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon entered March 18, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Powder River and Its Tributaries, a water right was established in the name of S. O. Correll for the use of the waters of Powder River for the irrigation of, among other lands, 15.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 23.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 9 South, Range 40 East, W.M., with a date of priority of 1883. This right was confirmed by certificate recorded at page 33240, Volume 25, State Record of Water Right Certificates. This land is irrigated by means of the Salley McCord Ditch, the point of diversion being located 2450 feet South and 200 feet East from the NW corner of Section 28, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 9 South, Range 40 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Old Settlers Slough from a point of diversion to be located 370 feet South and 220 feet East from the W $\frac{1}{4}$ corner of Section 21, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 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 March 11, 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 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 of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed point of diversion of water may be established without injury to existing rights the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Powder River, to-wit:

From a point located 2450 feet South and 200 feet East from the NW corner of Section 28, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 9 South, Range 40 East, W.M.

To a point to be located 370 feet South and 220 feet East from the W $\frac{1}{4}$ corner of Section 21, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 9 South, Range 40 East, W.M.

for the irrigation of 15.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 23.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 9 South, Range 40 East, W.M. with a date of priority of 1883, 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 0.95 cubic foot per second.

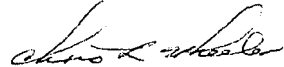
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed. ,

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 S. O. Correll and recorded at page 33240, Volume 25, 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 Paul Hill confirming said change in point of diversion.

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



CHRIS L. WHEELER
State Engineer