

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION)
OF FRED WIDMAN FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM POWDER RIVER)

O R D E R
APPROVING APPLICATION

On March 6, 1963, Fred Widman of Baker, Oregon, 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 of Baker County, Oregon, entered 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, a water right was established in the name of James York for the use of the waters of Powder River for the irrigation of, among other lands, 30 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 9 South, Range 40 East, W. M., with a date of priority of 1869, and 30 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 4, with a date of priority of 1883. These lands are irrigated through the York-McEnroe Eastside Ditch, the point of diversion of said ditch being located 12 feet North and 700 feet East from the southeast corner of Section 5, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 5, Township 9 South, Range 40 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of the Widman Ditch, the point of diversion of said ditch to be located 1540 feet South and 390 feet West from the northeast corner of Section 5, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 5, 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 June 5, 1963, at 9:30 o'clock 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 March 15, 22 and 29, 1963. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David B. Hall, 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 12 feet North and 700 feet East from the southeast corner of Section 5, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 5, Township 9 South, Range 40 East, W. M.

To a point to be located 1540 feet South and 390 feet West from the northeast corner of Section 5, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 5, Township 9 South, Range 40 East, W. M.

for the irrigation of 30 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 9 South, Range 40 East, W. M., with a date of priority of 1869, and 30 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 4, with a date of priority of 1898, is approved.

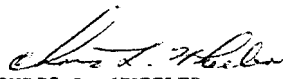
It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

Dated at Salem, Oregon, this 26th day of June, 1963.

*Noted on Decree
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Cont. 4582*

Test. "W-94"


CHRIS L. WHEELER
State Engineer