

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION )  
OF JOHN BOOTSMA FOR APPROVAL OF )  
A CHANGE IN PLACE OF USE OF )  
WATER FROM POWDER RIVER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3840

On November 17, 1977, an application was filed in the office of the Water Resources Director by John Bootsma for approval of a change in place of use of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 9167, Volume 9, State Record of Water Right Certificates, in the name of the Pacific Loan and Investment Company, Limited, describes a right which includes the use of water from Powder River for irrigation of 40.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 33.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 23.15 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, Township 9 South, Range 40 East, W. M., with a date of priority of March, 1905.

Water for the said right is diverted, through the Smith Ditch, from a point located 945 feet South and 1865 feet West from the Southeast Corner of Section 18, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, Township 10 South, Range 40 East, W. M.

The applicant herein proposes to change the place of use from the lands above described, and without loss of priority, to irrigate in lieu thereof a certain 10.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 11; 3.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 9.5 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 12; 13.7 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 4.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 20.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14; 15.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 17.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 9.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15; and 12.75 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 21.4 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, Township 9 South, Range 40 East, W. M.

The lands involved herein are within the boundaries of the Baker Valley Irrigation District and said District approved the proposed change in place of use of water.

These lands also have a supplemental right under permit No. 32932 providing for the use of water stored in Mason Reservoir with a date of priority of June 19, 1958.

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order the certificate of water right heretofore issued to The Pacific Loan and Investment Company, Limited and recorded at page 9167, Volume 9, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to Baker Valley Irrigation District.

Dated at Salem, Oregon this 19th day of March, 1979.

James E. Sexson  
Director

*B. John L. Skelton*  
Deputy