

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
 OF MR. G. A. WRIGHT FOR APPROVAL)
 OF A CHANGE IN POINT OF DIVERSION)
 AND PLACE OF USE OF WATER FROM)
 POWDER RIVER.)

O R D E R

On May 12, 1930, G. A. Wright of Baker, Oregon, filed an application for approval of change in point of diversion of water from Powder River and a change in place of use of such water. The water right in question is a part of the right originally in the name of the Baker City Mutual Irrigation Company, as confirmed by the Circuit Court of the State of Oregon for Baker County by the decree entered on March 18, 1918. Such right is further evidenced by the certificate of water right issued to said company by the State Engineer on February 15, 1923, and recorded in the State Record of Water Right Certificates, Volume 5, page 3990. Said water right of the Baker City Mutual Irrigation Company was for the use of water from Powder River for the irrigation of 60 acres of land within the city limits of the City of Baker, under priority of 1869. By an order of the State Engineer dated May 9, 1925, such order appearing in Volume 1, page 181 of the State Engineer's order record, the said water right was transferred without loss of priority from the lands upon which such water had theretofore been used in the City of Baker to the following lands:

(To be irrigated through the New Baldock Slough and ditch)
 10 acres in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 16, Township 9 South, Range 40 East, W. M., being blocks 13, 14, 15, 16, 17, 18, 19 and 20, together with the vacated streets, all in Faull's Addition to the City of Baker, Oregon, and owned by G. A. Wright;

(To be irrigated through the New Home ditch)
 10 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 9 South, Range 40 East, W. M., except 4 rods off

the north side thereof, owned by F. L. Hubbard and Mary L. Hubbard;

10 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 30 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 9 South, Range 40 East, W. M., owned by W. A. Pratt.

In the first paragraph of the foregoing is the description of the lands of the present applicant, G. A. Wright, who now requests approval of a change in place of use of water, without loss of the priority of 1869, from said described lands to 10 acres in the Southwest quarter of the Southwest quarter of Section 9, Township 9 South, Range 40 East, W. M., owned by Mr. Clyde Ward.

Mr. Wright also asks approval of a change in the point of diversion from the present diversion point of the New Baldock Slough and ditch to that of the New Home ditch, the latter being approximately 20 yards down-stream from the former.

Pursuant to notice given by publication in the Baker Democratic Herald, objections to the proposed change were filed with the State Engineer by A. W. Perkins, administrator of the estate of W. A. Pratt, deceased, and F. L. Hubbard and Mary L. Hubbard. Subsequently, on July 21, 1930, the State Engineer held a hearing in the City of Baker at which hearing evidence was introduced against and in favor of the proposed change, and a full transcript of the proceedings at said hearing is on file in the office of the State Engineer.

The State Engineer, having considered the application and protest and all of the testimony and other evidence submitted and now being fully advised in the premises, is of the opinion that said change in point of diversion and place of use of water can be accomplished without injury to existing rights.

It is therefore ORDERED that the proposed change be and the same hereby is approved and that the water right as hereinbefore described as appurtenant to the lands of G. A. Wright, described as

the north side thereof, owned by F. L. Hubbard and Mary L. Hubbard;

10 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 30 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 9 South, Range 40 East, W. M., owned by W. A. Pratt.

In the first paragraph of the foregoing is the description of the lands of the present applicant, G. A. Wright, who now requests approval of a change in place of use of water, without loss of the priority of 1869, from said described lands to 10 acres in the Southwest quarter of the Southwest quarter of Section 9, Township 9 South, Range 40 East, W. M., owned by Mr. Clyde Ward.

Mr. Wright also asks approval of a change in the point of diversion from the present diversion point of the New Baldock Slough and ditch to that of the New Home ditch, the latter being approximately 20 yards down-stream from the former.

Pursuant to notice given by publication in the Baker Democratic Herald, objections to the proposed change were filed with the State Engineer by A. W. Perkins, administrator of the estate of W. A. Pratt, deceased, and F. L. Hubbard and Mary L. Hubbard. Subsequently, on July 21, 1930, the State Engineer held a hearing in the City of Baker at which hearing evidence was introduced against and in favor of the proposed change, and a full transcript of the proceedings at said hearing is on file in the office of the State Engineer.

The State Engineer, having considered the application and protest and all of the testimony and other evidence submitted and now being fully advised in the premises, is of the opinion that said change in point of diversion and place of use of water can be accomplished without injury to existing rights.

It is therefore ORDERED that the proposed change be and the same hereby is approved and that the water right as hereinbefore described as appurtenant to the lands of G. A. Wright, described as

follows:

10 acres in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 16, Township 9 South, Range 40 East, W. M., being blocks 13, 14, 15, 16, 17, 18, 19 and 20, together with the vacated streets, all in Faull's Addition to the City of Baker, Oregon,

be severed therefrom and simultaneously, and without loss of priority, transferred to 10 acres of the lands of Clyde Ward in the Southwest Quarter of the Southwest quarter of Section 9, Township 9 South, Range 40 East, W. M.

It is FURTHER ORDERED that the time limit for application of water to the new place of use be fixed as October 1, 1938.

And it is FURTHER ORDERED that the certificate of water right issued by the State Engineer to the Baker City Mutual Irrigation Company and recorded in State Record of Water Right Certificates, Volume 5, page 3990, be and the same hereby is cancelled and in lieu thereof certificates of water right shall be issued as follows:

To F. L. Hubbard and Mary L. Hubbard, certificate confirming the right to use of water of Powder River under priority of 1869 for irrigation of 10 acres in the Northwest quarter of the Southwest quarter of the Southeast quarter, Section 9, Township 9 South, Range 40 East, W.M., except 4 rods off the north side thereof;

To A. W. Perkins, administrator of the estate of W. A. Pratt, deceased, certificate confirming the right to use water from Powder River under priority of 1869 for irrigation of 10 acres in the Northeast quarter of the Southeast quarter and 30 acres in the Southeast quarter of the Southeast quarter, Section 9, Township 9 South, Range 40 East, W. M.

Upon receipt of proof satisfactory to the State Engineer of the complete application of water to the lands of Clyde Ward, a certificate shall be issued to said Clyde Ward confirming the right to use of water from Powder River under priority of 1869 for irrigation of 10 acres in the Southwest quarter of the Southwest quarter of Section 9, Township 9 South, Range 40 East, W. M.

Dated at Salem, Oregon, this 8th day of February, 1937.

Notations made on records:

Decree, Vol. 6, p. 359

Cert. 3990


CHAS. E. STRICKLIN

State Engineer