

June 15, 1966

Mr. George K. Gubler
Baker
Oregon

Dear Mr. Gubler:

We are in receipt of an application to change a point of diversion for the use of water under the right described in certificate recorded at page 3980.

The decree of the court in the determination of the relative rights for the Powder River describes the use under this particular right as subirrigation. Subirrigation does not include the diversion of water from the stream by ditch or any other method.

To approve a change in the use of water from subirrigation to a diversion of a quantity of water to irrigate the land by ditch would constitute an enlargement of the right and such an application cannot be approved.

I don't believe this application can be properly filed and our check No. 1099 refunding the 15 fees submitted is enclosed. I am also returning the application and the map accompanying it.

If you propose to divert water from the stream for the 5 acres, I believe application should be made for a permit for a specific quantity of water for supplemental irrigation of the same lands for which the so called subirrigation exists.

Yours very truly,

ORVILLE L. HUNTER
State Engineer

By
Frevor Jones, Assistant

Enclosures

cc: George Ward, Watermaster