

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION)
OF IMNAHA SPRINKLER ASSOCIATION)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION AND PLACE OF)
USE OF WATER FROM SCHLEUER CREEK)

ORDER APPROVING
TRANSFER NO. 2637

On May 8, 1972, Imnaha Sprinkler Association filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from Schleuer Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wallowa County, Oregon, entered November 3, 1930, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Imnaha River and its Tributaries, a water right was established in the name of W. G. Miller for the use of the waters of Schleuer Creek for the irrigation of, among other lands, 12.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 1 South, Range 48 East, W.M., with a date of priority of November 11, 1887, as evidenced by certificate of water right recorded at page 9374, Volume 9, State Record of Water Right Certificates. These lands are irrigated by means of the Schleuer Creek Ditch from a point of diversion located 450 feet North and 2125 feet West from the East $\frac{1}{4}$ corner of Section 26, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 1 South, Range 48 East, W.M.

The applicant herein, owner of the land above described, propose to transfer the water right therefrom, without loss of priority to 16.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 3.0 acres

in SW¼ NE¼, Section 26, Township 1 South, Range 48 East, W.M., and to irrigate these lands from a point of diversion to be located 1280 feet South and 2050 feet East from the NW corner of Section 25, being within the NE¼ NW¼, Section 25, Township 1 South, Range 48 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 Enterprise, Oregon, on August 15, 1972, at 9:30 a.m. The notice was published in Wallowa County Chieftain, a newspaper printed and having general circulation in Wallowa County, Oregon, for a period of three weeks in the issues of June 22, 29, and July 6, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert W. DeBow, Watermaster of District No. 7, 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 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 change in place of use of water is approved and the water right hereinbefore described as appurtenant to 12.0 acres in NW¼ NE¼, 6.0 acres in SW¼ NE¼, 5.0 acres in NE¼ NW¼ and 3.0 acres in SW¼ NW¼, Section 26, Township 1 South, Range 48 East, W.M., with a date of priority of November 11, 1887, be severed therefrom and simultaneously and without loss of priority transferred to 16.0 acres in NE¼ NE¼, 7.0 acres in NW¼ NE¼, and 3.0 acres in SW¼ NE¼, Section 26, Township 1 South, Range 48 East, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Schleuer Creek, to-wit:

From a point located 450 feet North and 2125 feet West from the East $\frac{1}{4}$ corner of Section 26, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 1 South, Range 48 East, W.M.

To a point to be located 1280 feet South and 2050 feet East from NW corner of Section 25, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 1 South, Range 48 East, W.M.

for the irrigation of 16.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 1 South, Range 48 East, W.M., with a date of priority of November 11, 1887, 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, 1973.

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.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 W. G. Miller and recorded at page 9374, Volume 9, 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 and place of use, a certificate of water right shall be issued to Imnaha Sprinkler Association confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 17th day of April, 1973.


CHRIS L. WHEELER
State Engineer