

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WALLOWA COUNTY

IN THE MATTER OF THE APPLICATION OF )  
HAUN BROTHERS FOR APPROVAL OF A CHANGE )  
IN POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3637

On April 22, 1977, an application was filed in the office of the Water Resources Director by Haun Brothers for approval of a change in point of diversion from South Fork Wallowa (Lostine) River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2989, Volume 4, State Record of Water Right Certificates, in the name of Leonard Couch, describes a right for irrigation of 5.26 acres in Blocks 16 and 17, North one-half of Block 19, North one-half of Block 12, Lots 1 to 5 and 9 to 16 of Block 9, Town of Evans, being 5.26 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, Township 1 South, Range 43 East, W.M., with a date of priority of 1896.

The certificate recorded at page 37398, Volume 29, State Record of Water Right Certificates, in the name of J. F. Haun, describes a right which includes irrigation of lands within Blocks 1, 2, 3 and 15; Lots 1, 2, 3, 14, 15 and 16 of Block 6, South one-half of Block 5; Lots 3 to 8 of Block 5; Lots 1, 2, 15 and 16 of Block 8; Lots 9 to 13, 15 and 16 of Block 12, Town of Evans, being 2.85 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 4.05 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, Township 1 South, Range 43 East, W.M., with a date of priority of 1896.

The certificate recorded at page 3107, Volume 4, State Record of Water Right Certificates, in the name of John McDonald, describes a right which includes irrigation of Block 7, Lots 6 to 8 of Block 9, and Lots 6 to 11 of Block 8, Town of Evans, being 2.16 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, Township 1 South, Range 43 East, W.M., with a date of priority of 1896.

The certificate recorded at page 3110, Volume 4, State Record of Water Right Certificates, in the name of S.W. Miles, describes a right which includes irrigation of Blocks 13 and 18, South one-half of Block 19, Lot 14 of Block 12, Lots 1, 4, 5 and 6 of Block 4, Lots 9 to 13 of Block 6, Lots 3, 4, 5, 12, 13 and 14 of Block 8, Town of Evans, being 4.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, Township 1 South, Range 43 East, W.M., with a date of priority of 1896.

Water for the said rights is diverted from South Fork Wallowa (Lostine) River, through the Wood-Boatman Ditch, from a point located 950 feet North and 2365 feet East from the Southwest Corner of Section 15, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, Town-

ship 1 South, Range 43 East, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to divert the water through the Lostine Ditch from a point located 750 feet South and 2700 feet East from the Northwest Corner of Section 22, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 22, Township 1 South, Range 43 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Wallowa County Chieftain, a newspaper printed and having general circulation in Wallowa County, Oregon, for a period of three weeks in the issues of October 13, 20 and 27, 1977.

Mr. Robert W. DeBow, Watermaster, has filed a statement 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

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 under the subject right.

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the portion of the right previously described by the certificate recorded at page 37398, Volume 29, State Record of Water Right Certificates, in the name of J. F. Haun, which is involved in the change authorized herein, NOT be included in the new certificate to be issued as provided by the order entered August 18, 1977, approving transfer application No. 3598.

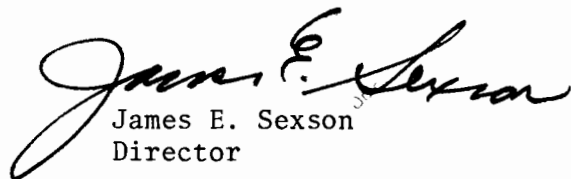
It is FURTHER ORDERED that the certificate recorded at page 2989, Volume 4, State Record of Water Right Certificates, in the name of Leonard Couch, is canceled.

It is FURTHER ORDERED that the certificate recorded at page 3107, Volume 4, State Record of Water Right Certificates, in the name of John McDonald, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding.

It is FURTHER ORDERED that the certificate recorded at page 3110, Volume 4, State Record of Water Right Certificates, in the name of S. W. Miles, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 13th day of December, 1977.

  
James E. Sexson  
Director