

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WALLOWA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF WAYNE MARKS FOR APPROVAL OF )  
CHANGES IN PLACE OF USE AND POINT )  
OF DIVERSION OF WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3684

On May 24, 1977, an application was filed in the office of the Water Resources Director by Wayne Marks for approval of changes in place of use and point of diversion from Thorn Creek, Dunlap Creek and Imnaha River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 9361, Volume 9, State Record of Water Right Certificates, in the name of Jake B. Marks, describes rights allowed by decree of the Court in the Imnaha River adjudication which include:

(1) Use of water from Thorn Creek, through the Thorn Ditch, from a point located 1260 feet North and 780 feet East from the Southwest Corner of Section 11, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, Township 1 South, Range 48 East, W.M., for irrigation of 2.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 4.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10 of said Township and Range, with a date of priority of 1888.

The applicant herein, owner of the said lands, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 0.5 acre in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 4.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 11 from a point of diversion located 2440 feet North and 2630 feet East from the Southwest Corner of Section 11, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 11.

(2) Use of water from the Imnaha River, through the Lloyd Ditch, from a point located 1080 feet South and 1640 feet East from the Northwest Corner of Section 23, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 23, Township 1 South, Range 48 East, W.M., for irrigation of 6.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 0.6 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14; and 0.8 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 23 of said Township and Range, with a date of priority of 1894.

The applicant herein, owner of said lands, proposes to change the point of diversion therefrom, without loss of priority, to a point located 400 feet North and 950 feet East from the Southwest Corner of Section 14, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14, Township 1 South, Range 48 East, W.M.

(3) Use of water from Dunlap Creek, through the Dunlap Creek Ditch, from a point located 2120 feet South and 1320 feet West from the Northeast Corner of Section 10, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, Township 1 South, Range 48 East, W.M., for irrigation of 6.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 10, with a date of priority of 1900.

The applicant herein, owner of said lands, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1200 feet South and 1650 feet East from the Northwest Corner of Section 11, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 11 of said Township and Range.

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 27; November 3 and 10, 1977.

Mr. Robert W. DeBow, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old points of diversion under the subject rights.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment 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;

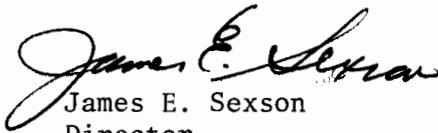
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred

shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Jake B. Marks and recorded at page 9361, Volume 9, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, and 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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 20th day of December, 1977.

  
James E. Sexson  
Director