

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION )  
OF MERTON S. WADE FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM WALLOWA RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3059

On June 6, 1974, Merton S. Wade filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Wallowa River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 3025, Volume 4, State Record of Water Right Certificates, in the name of F. W. Fitzpatrick, describes an existing right of record which includes the use of water from Wallowa River for irrigation of 21.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 7.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 24, Township 1 South, Range 43 East, W.M., with a date of priority of 1890.

Certificate of water right recorded at Page 3026, Volume 4, State Record of Water Right Certificates, in the name of F. W. Fitzpatrick, J. A. and Maggie Fitzpatrick, describes an existing right of record which includes the use of water from Wallowa River for irrigation of 19.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 1.0 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 24, Township 1 South, Range 43 East, W.M., with a date of priority of 1890.

Water for the said rights is diverted through the Fitzpatrick ditch from a point located 2300 feet South and 350 feet West from the Northeast corner, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 25, Township 1 South, Range 43 East, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and to irrigate these lands from a point located 410 feet North and 2130 feet West from the Southeast corner of Section 24, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 24, 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 March 3, 10 and 17, 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 objection 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 from Wallowa River 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 head-gates and measuring devices:

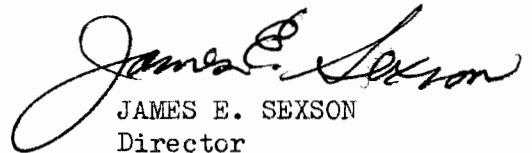
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to F. W., J. A. and Maggie Fitzpatrick and recorded at Pages 3025 and 3026, Volume 4, State Record of Water Right Certificates, are canceled, and in lieu thereof two new certificates shall be issued covering the balance of the rights 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 17th day of May, 1977.

  
JAMES E. SEXSON  
Director