

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION)
OF W. T. PUDERBAUGH FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM AN UN-)
NAMED SPRING)

ORDER APPROVING
TRANSFER NO. 2347

On March 4, 1970, W. T. Puderbaugh filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from an unnamed spring, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to W. T. Puderbaugh and recorded at page 9004, Volume 8, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.05 cubic foot per second of water from an unnamed spring for domestic and stock use in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 2 South, Range 44 East, W.M., with a date of priority of June 7, 1929. The water is conveyed to these lands from a point of diversion located S 62° 51' E 1291 feet from the NW corner of Lot 4, Section 1 being within Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 1, Township 3 South, Range 44 East, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands from a point of diversion to be located S 7° 20' W 2444 feet from the NE corner of Section 2 being within Lot 9 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 2, Township 3 South, Range 44 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 June 3, 1970, at 9:30 a.m. The notice 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 April 9, 16, and 23, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Walter L. Astwood, Watermaster of District No. 7, has filed a report 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 proposed change in point of diversion of water from an unnamed spring, to-wit:

From a point located S 62° 51' E 1291 feet from the NW corner of Lot 4, Section 1 being within Lot 4 (NW¼ NW¼), Section 1, Township 3 South, Range 44 East, W.M.

To a point to be located S 7° 20' W 2444 feet from the NE corner of Section 2 being within Lot 9 (NE¼ SE¼), Section 2, Township 3 South, Range 44 East, W.M.

for domestic and stock use in SW¼ SW¼ and SE¼ SW¼, Section 36, Township 2 South, Range 44 East, W.M., with a date of priority of June 7, 1929, 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, 1971.

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 and shall not exceed 0.05 cubic foot per second.

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.

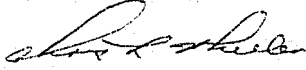
That the diversion works shall include an in-line

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. T. Puderbaugh and recorded at page 9004, Volume 8, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to W. T. Puderbaugh confirming the change in point of diversion.

Dated at Salem, Oregon, this 29th day of January, 1971.



CHRIS L. WHEELER
State Engineer