

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WALLOWA COUNTY

IN THE MATTER OF THE APPLICATION)
OF E. JUSTIN SNYDER FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM WALLOWA RIVER)
- - - - -

ORDER APPROVING
TRANSFER NO. 2648

On May 23, 1972, an application was filed in the office of the Water Resources Director by E. Justin Snyder for approval of a change in point of diversion of water from Wallowa River, pursuant to the provisions of ORS 540.510 to 540.530., under certain water rights allowed by Decree of the Circuit Court for Wallowa County in the Matter of the Determination of the Relative Rights to the Use of the Waters of Wallowa River and Its Tributaries, as follows:

(a) A right tabulated in the name of W. F. Craig at Volume 5, page 158, for use of water through Craig Ditch, with a priority date of November 12, 1900, for irrigation of a certain 36.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 2 South, Range 44 East, W.M.; 2.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 25.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 2 South, Range 45 East, W.M., confirmed by the certificate recorded at page 2994, Volume 4, State Record of Water Right Certificates.

(b) A right tabulated in the name of L. P. McCubbin at Volume 5, page 183, for use of water through Craig Ditch, with a priority date of November 12, 1900, for irrigation of, among other lands, a certain 15.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 2 South, Range 44 East, W.M.; 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 25.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 15.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 2 South, Range 45 East, W.M., confirmed by the certificate recorded at page 3105 of said Volume 4.

(c) A right tabulated in the name of Wrenn and Dobbin Ditch Company at Volume 5, pages 206 to 208, for use of water through the Wrenn and Dobbin Ditch, with a priority date of September 10, 1901, for irrigation of, among other lands, a certain 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 25.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 25.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 16.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 2 South, Range 45 East, W.M., confirmed by the certificate recorded at page 3198 of said Volume 4, which right duplicates, in part, the coverage under the preceeding two rights.

The authorized, common point of diversion for the Craig Ditch and the Wrenn

and Dobbin Ditch, is located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 2 South, Range 45 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1290 feet North and 200 feet West from the Southeast Corner of Section 12, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 2 South, Range 44 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 November 23 and 30; and December 7, 1972.

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 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;

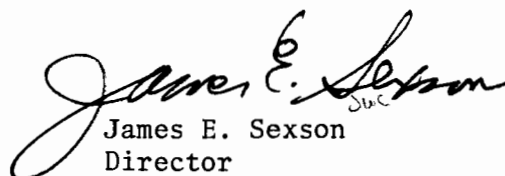
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that certificates of water right heretofore issued to W. F. Craig and recorded at page 2994, Volume 4 and L. P. McCubbin and recorded at page 3105, Volume 4, and Wrenn and Dobbin Ditch Company and recorded at page 3198, Volume 4, State Record of Water Right Certificates, are canceled, and in

lieu thereof, new certificates be issued covering the balance of the lands NOT involved in this proceeding and upon receipt of 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 30th day of January, 1978.


James E. Sexson
Director