

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION }
OF DONALD D. NORTON FOR THE APPROVAL }
OF A CHANGE IN POINTS OF DIVERSION OF }
WATER FROM ADAMS CREEK AND FROM }
IMNAHA RIVER }

ORDER APPROVING
TRANSFER NO. 3429

On June 25, 1976, Donald D. Norton filed an application in the office of the Water Resources Director for the approval of a change in points of diversion of water from Adams Creek and Imnaha River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 9322, Volume 9, State Record of Water Right Certificates, in the name of E. T. Daggett, describes an existing right of record which includes the use of waters of Adams Creek for irrigation of lands in Tract No. 1, being a certain 5.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, 5.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 12.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26; and the use of waters of Imnaha River for irrigation of lands in Tract No. 2, being a certain 7.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 6.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, and 2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, all within Township 1 South, Range 48 East, W.M., and all with a date of priority of 1889.

The point of diversion from Adams Creek for lands in Tract No. 1 is located 620 feet North and 1360 feet East from the Southwest corner of Section 25, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 1 South, Range 48 East, W.M.

The applicant herein proposes to change the point of diversion for the lands in Tract No. 1 to a point located 660 feet North and 1900 feet East from the Southwest corner of Section 25, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 1 South, Range 48 East, W.M.

The point of diversion from Imnaha River for the lands in Tract No. 2 is located 800 feet North and 2900 feet East from the Southwest corner of Section 35, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 1 South, Range 48 East, W.M.

The applicant herein proposes to change the point of diversion of water from the Imnaha River from the above described point and to divert the water at three points, as follows:

(1) At a point located 900 feet South and 2350 feet West from the Northeast corner of Section 35, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 1 South, Range 48 East, W.M., for irrigation of 2.0 acres in the said NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35

(2) At a point located North 75 degrees 15 minutes East, 2750 feet from the Southwest corner of Section 26, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, and

(3) At a point located North 59 degrees 30 minutes East, 3110 feet from the Southwest corner of Section 26, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26; for irrigation of 7.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 6.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 1 South, Range 48 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 January 20 and 27, and February 3, 1977.

Mr. Robert W. DeBow, Watermaster of District No. 7, has filed a statement to the effect that the proposed changes in point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed changes 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 changes in point of diversion from Adams Creek and Imnaha River 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 water 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.

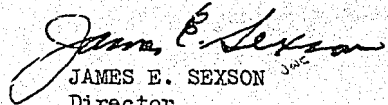
It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

The applicant herein, as owner of the lands and water right involved herein, has authorized by affidavit, cancelation of that part of the right described by the certificate recorded at Page 9322, Volume 9, State Record of Water Right Certificates, which is for appropriation of water from Double Creek, College Creek and Adams Creek for irrigation of lands described as "Tract No. 2."

It is FURTHER ORDERED that the certificate of water right heretofore issued to E. T. Daggett and recorded at Page 9322, Volume 9, State Record of Water Right Certificates, is canceled, 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 28th day of March, 1977.


JAMES E. SEXSON JMS
Director