

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF  
THE CANCELATION  
OF A WATER RIGHT )

O R D E R

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On March 4, 1970, Ray and Harry Harp submitted an affidavit that they are the legal owners of a water right and the lands to which the right is appurtenant; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

The water right in question is for the use of not to exceed  $\frac{3}{80}$ ths of one cubic foot per second per acre of land irrigated, and not to exceed  $1\frac{1}{2}$  acre feet per acre during any period of 30 days during the irrigation season of the water of Imnaha River for domestic use and the irrigation of:

1.0 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$   
10.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 21

2.6 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
1.0 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 16

Township 1 North, Range 48 East, W.M.,

with a date of priority of 1902, and is evidenced by certificate of water right issued in the name of Fred W. Falconer and recorded at page 9335, Volume 9, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed  $\frac{3}{80}$ ths of one cubic foot per second per acre of land irrigated, and not to exceed  $1\frac{1}{2}$  acre feet per acre during any period of 30 days during the irrigation season of the water of Imnaha River for stock use and the irrigation of:

2.6 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 28

20.2 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$   
0.4 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
1.0 acre in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 21  
Township 1 North, Range 48 East, W.M.,

with a date of priority of 1902, is not in question.

Ray and Harry Harp have filed an application for approval of a change in point of diversion for the irrigation of 20.2 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 1 North, Range 48 East, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancellation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the right for the use of not to exceed  $\frac{3}{80}$ ths of one cubic foot per second per acre of land irrigated, and not to exceed  $1\frac{1}{2}$  acre feet per acre during any period of 30 days during the irrigation season of the water of Imnaha River for domestic use and the irrigation of:

1.0 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$   
10.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 21

2.6 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
1.0 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 16

Township 1 North, Range 48 East, W.M.,

with a date of priority of 1902, is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at page 9335, Volume 9, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to Mrs. Dorothy Coats Justice covering that part of the water right not in question, not including 20.2 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 1 North, Range 48 East, W.M. described in the application for approval of change in point of diversion, which is for the appropriation of not to exceed

3/80ths of one cubic foot per second per acre of land irrigated, and not to exceed 1½ acre feet per acre during any period of 30 days during the irrigation season of the water of Imnaha River, a tributary of Snake River, with a date of priority of 1902, for stock use and the irrigation of:

2.6 acres in NE¼ NW¼  
Section 28

0.4 acre in NW¼ SW¼  
1.0 acre in SW¼ SW¼  
Section 21

Township 1 North, Range 48 East, W.M.

Dated at Salem, Oregon this 25th day of June, 1970.



CHRIS L. WHEELER  
State Engineer

*[Faint, illegible handwritten notes or signatures]*