

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION
OF JOSEPH AND JAMES F. HAUN FOR
THE APPROVAL OF A CHANGE IN POINT
OF DIVERSION OF WATER FROM WALLOWA
RIVER

ORDER APPROVING
TRANSFER NO. H-200

On November 20, 1969, Joseph and James F. Haun filed an application in the office of the State Engineer 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.

By Decree of the Circuit Court for Wallowa County, Oregon entered January 20, 1919, in the Wallowa River Adjudication proceedings, a water right was established in the name of J. F. Haun for the use of the waters of Wallowa River for the irrigation of, among other lands, 4.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 14.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 17.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 1 South, Range 43 East, W.M., with a date of priority of 1889. This right is evidenced by certificate recorded at page 3048, Volume 4, State Record of Water Right Certificates. These lands are irrigated by means of the Haun and Williams Ditch from a point of diversion located 1800 feet North and 1860 feet West from the SE corner of Section 3, Township 1 South, Range 43 East, W.M., being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 1 South, Range 43 East, W.M.

The applicants herein, owners of the lands above described, proposes to irrigate these lands by means of the Cross Country Canal from a point of diversion to be located South 66° 11' West 3378.9 feet from the SW corner of Section 11 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 1 South, Range 43 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 pro-

posed change in point of diversion of water, if any there were, namely: at the county courthouse in Enterprise, Oregon, on June 17, 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 23, 30, and May 7, 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 of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Wallowa River, to-wit:

From a point located 1800 feet North and 1860 feet West from the SE corner of Section 3, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 1 South, Range 43 East, W.M.

To a point to be located South 66° 11' West 3378.9 feet from the SW corner of Section 11, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 1 South, Range 43 East, W.M.

for the irrigation of 4.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 14.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 17.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 1 South, Range 43 East, W.M., with a date of priority of 1889, 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 1 $\frac{1}{2}$ acre feet per acre during any period of 30 days prior to July 31st of each year, and

thereafter not to exceed 1 acre foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.

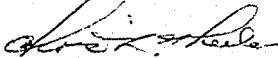
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 J. F. Haun and recorded at page 3048, Volume 4, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, 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 Joseph and James F. Haun confirming said change in point of diversion.

Dated at Salem, Oregon, this 31st day of August, 1970.


CHRIS L. WHEELER
State Engineer