

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION)
OF RAY AND HARRY HARP FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM IMNAHA)
RIVER)

ORDER APPROVING
TRANSFER NO. 2339

On January 29, 1970, Ray and Harry Harp filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Imnaha River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wallowa County, Oregon, entered November 3, 1930, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Imnaha River and its Tributaries, a water right was established in the name of Fred W. Falconer for the use of the waters of Imnaha River for stock use and the irrigation of, among other lands, 20.2 acres in NW¼ NW¼, Section 21, Township 1 North, Range 48 East, W.M., with a date of priority of 1902. This right is evidenced by certificate recorded at page 9335, Volume 9, State Record of Water Right Certificates. The water is conveyed to these lands by means of the Imnaha Ditch from a point of diversion located 2100 feet north and 1100 feet east from the SE corner of Section 28 being within the NE¼ SE¼ of Section 28, Township 1 North, Range 48 East, W.M.

The applicants herein, owners of the lands above described, propose to convey water to these lands from a point of diversion to be located 1210 feet south and 430 feet east from the NW corner of Section 21 being within the NW¼ NW¼ of Section 21, Township 1 North, Range 48 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 September 9, 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 July 16, 23, and 30, 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. Actwood, 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 Imnaha River, to-wit:

From a point located 2100 feet north and 1100 feet east from the SE corner of Section 28 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 1 North, Range 48 East, W.M.

To a point to be located 1210 feet south and 430 feet east from the NW corner of Section 21 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 1 North, Range 48 East, W.M.

for stock use and the irrigation of 20.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 1 North, Range 48 East, W.M., with a date of priority of 1902, 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 three-eighths of one cubic foot per second per acre of land irrigated

and not to exceed one and one-half acre feet per acre during any period of 30 days during the irrigation season.

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.

The certificate of water right issued to Fred W. Falconer and recorded at page 9335, Volume 9, State Record of Water Right Certificates, was canceled by order of the State Engineer entered June 25, 1970. The order provided for a new certificate covering the lands not involved in the cancelation proceedings excluding the lands involved in this proceeding.

It is FURTHER ORDERED that 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 Ray and Harry Harp confirming said change in point of diversion.

Dated at Salem, Oregon, this 30th day of September, 1970.


CHRIS L. WHEELER
State Engineer