

2339

2339 Harry Harp

42

## STATUS OF APPLICATION

Change in Point of Diversion  
 Date filed January 29, 1970  
 Date of hearing September 9, 1970  
 Place of hearing Enterprise, Oregon  
 Date of order 9-30-70 Vol. 20, page 98  
 Date for application of water 10-1-71  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued FEB 26 1971 Vol. 29, page 37399  
MAY 1971 52 Not Used 41654  
FEB 11 1975 33

## DESCRIPTION OF WATER RIGHT

Name of stream Imnaha River  
 Trib. of \_\_\_\_\_ County of Walla Walla  
 Use Irrigation, domestic & stock  
 Quantity of water see order No. of acres 20 3/4  
 Name of ditch Imnaha  
 Date of priority 1902  
 In name of Fred W. Falconer  
Imnaha River Adjudication, Vol. 10, page 318  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 9335  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by sh

## FEES PAID

Date	Amount	Receipt No.
1-29-70	25.00	17635
1-29-70	5.80 P.O.N.	17636
1-29-70	12.10 P.O.N.	From App # 46550
3/4/70	12.10 P.O.N.	17920
TOTAL . . .		
1-29-70	\$1 Cert. Fee	17637
7-31-70	\$2 Cert Fee	From Pub. of Not.

## FEES REFUNDED

Date	Amount	Check No.
7-31-70	\$6.82 Pub. of Not.	3806
3-15-71	\$1.00 Excess Cert. Rec.	4161
6-26-75	\$0.50 Excess Twp. Fee	6427

## REMARKS

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
Name	sh	
Stream	sh	
Pt. of Div.	sh	
Calendar	sh	
CHECKED TO RECORDS:		
Twp. & Rge.	sh	
Decree-vault	sh	
Decree-safe	sh	
Cert. of W. R.	sh	
Per. Folder		
Chaindex		
Cross Ref.		
Power Claim		
Abstracts		



BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF )  
THE CANCELATION )  
OF A WATER RIGHT )  
-----

O R D E R

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 3/80ths of one cubic foot per second per acre of land irrigated, and not to exceed 1 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 1/4 NW 1/4  
10.0 acres in SW 1/4 NW 1/4  
Section 21

2.6 acres in SW 1/4 SW 1/4  
1.0 acre in SE 1/4 SW 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 3/80ths of one cubic foot per second per acre of land irrigated, and not to exceed 1 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 1/4 NW 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 cancelation 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 Coots 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.

/s/ CHRIS L. WHEELER  
State Engineer



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 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. 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 NE $\frac{1}{4}$  SE $\frac{1}{4}$  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 NW $\frac{1}{4}$  NW $\frac{1}{4}$  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. 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 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.

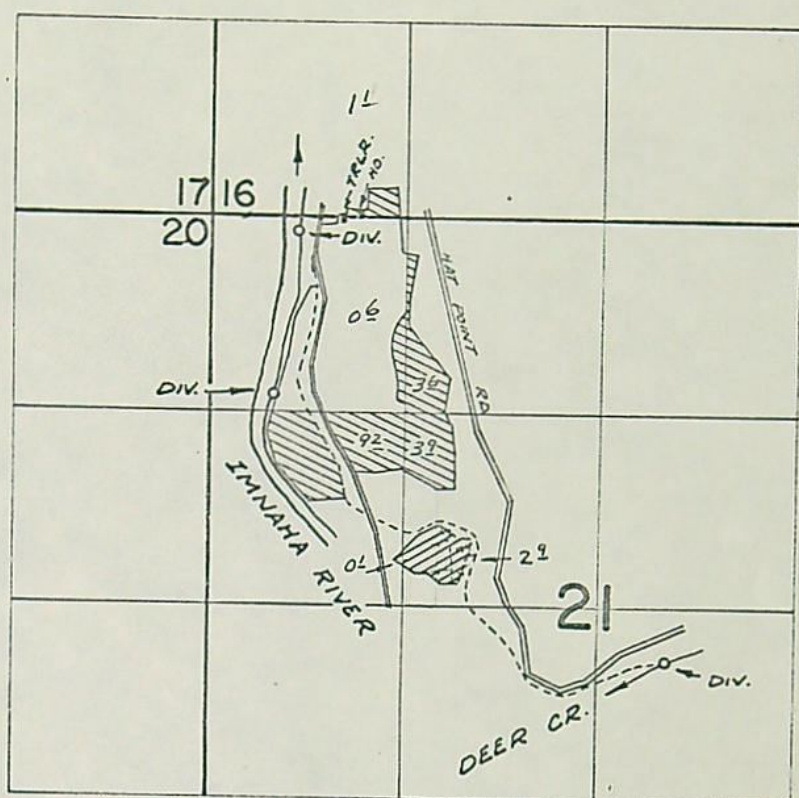
It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Ray and Harry Harp confirming said change in point of diversion.

Dated at Salem, Oregon, this 30<sup>th</sup> day of September, 1970.


/s/ CHRIS L. WHEELER  
State Engineer



T.1N.R.48E.W.M.



DIV. PTS. LOC: IMNAHA - 100'S & 570'E; 1200'S & 430'E, DEER CR. - 3000'S & 3,100'E, ALL FROM NW. COR. SEC. 21

 IMNAHA RIVER  
DEER CREEK

# FINAL PROOF SURVEY UNDER

TRANSFER NO. 2339  
Application No. 46550 Permit No. 34776  
IN NAME OF

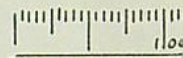
RAY & HARRY HARP

Surveyed AUG. 4, 1973, by R. MUCKEN.



JAN 16 1970

STATE ENGINEER  
SALEM OREGON



17

M.G. Harsin

Bruce Lydell

James Rice

Fred Falconer

- ① M.G. Harsin
- ④ Alph Hayse
- ③ Jess Wornock
- ② Al. Duckett
- ⑤ J. G. Matheny

IMNAHA

H. W. Baker

Fred Falconer

corner  
Horse pasture

Mrs. Jack Johnson

21

FINLEY

Deer Cr

Im na hce R

Im na ha R

Primary

Suppl.

*Fred Falconer*

Surveyed Ju



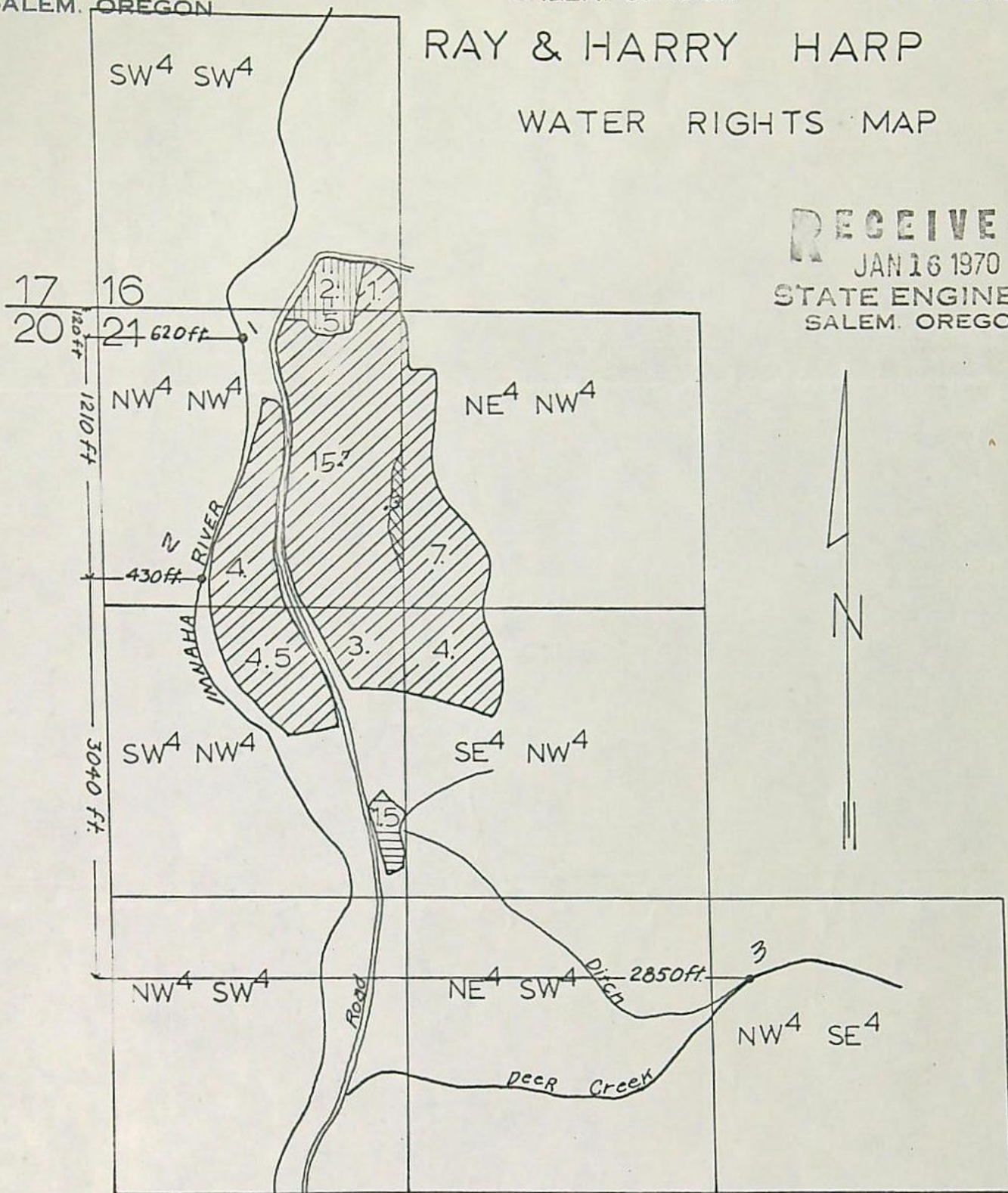
**RECEIVED**  
JUN 17 1970  
STATE ENGINEER  
SALEM, OREGON

**RECEIVED**  
JAN 29 1970  
STATE ENGINEER  
SALEM, OREGON

**RECEIVED**  
NOV 19 1969  
STATE ENGINEER  
SALEM, OREGON

RAY & HARRY HARP  
WATER RIGHTS MAP

**RECEIVED**  
JAN 16 1970  
STATE ENGINEER  
SALEM, OREGON



SCALE 1" = 660'  
based on ASC aerial photo BBA-5EE-64

SUMMARY: P.O.D.#1. is located 120 ft. South and 620 ft. East from the NW corner of Section 21 being within the NW<sup>4</sup> NW<sup>4</sup> of Section 21 T.1N. R.48 E.W.M. in the County of Wallowa.

Section 16	SW <sup>4</sup> SW <sup>4</sup>	2.0	ac.
Section 21	NW <sup>4</sup> NW <sup>4</sup>	.5	ac.

TOTAL 2.5 ac. primary filing

P.O.D.#2. is located 1210 ft South and 430 ft East from the NW corner of Section 21 being within the NW<sup>4</sup> NW<sup>4</sup> of Section 21 T.1N. R.48 E.W.M. in the County of Wallowa.

Section 16	SW <sup>4</sup> SW <sup>4</sup>	1.0	ac.
Section 21	NW <sup>4</sup> NW <sup>4</sup>	20.0	ac.
	NE <sup>4</sup> NW <sup>4</sup>	7.0	ac.
	SW <sup>4</sup> NW <sup>4</sup>	7.5	ac.
	SE <sup>4</sup> NW <sup>4</sup>	4.0	ac.

TOTAL 39.5 ac. primary filing

P.O.D.#3. is located 3040 ft. South and 2850 ft. East from the NW corner of Section 21 being within the NW<sup>4</sup> SE<sup>4</sup> of Section 21 T.1N. R.48 E.W.M. in the County of Wallowa.

Section 21	SW <sup>4</sup> NW <sup>4</sup>	1.5	ac. primary filing
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Application No. 4655C

Permit No.



RECEIVED  
JAN 16 1970  
STATE ENGINEER  
SALEM, OREGON

RECEIVED  
JAN 29 1970  
STATE ENGINEER  
SALEM, OREGON

RECEIVED  
JUN 17 1970  
STATE ENGINEER  
SALEM, OREGON

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Ray, & Harry, Harp

(Name of applicant)

of Imnaha

(Postoffice)

County of Wallowa

State of Oregon

Change in point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Imnaha River

(Name of stream)

2. The use to which the water is applied is Irrigation, ~~Domestic~~ & Stock

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Imnaha Ditch

(approximately)

4. The point of diversion is located 2100' ft. N. and 1100' ft. E. from the SE

(N. or S.)

(E. or W.)

corner of Section 28

(Section or subdivision)

being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$

of Section 28 Tp. 1 N. R. 48 E. W. M., in the County of Wallowa

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
T 1 N	48 E.	21						20.2										
								20.2										

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? yes

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes

8. What is the date of priority of your water right? 1902

9. Was your water right acquired by State Engineer's Permit? No If so, give number

(Yes or No)

of permit



10. Do you hold a water right certificate? yes If so, give number of certificate 9335  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

yes If so, give title of proceedings Immaha River Decree  
(Yes or No)

12. Is the water right recorded in your name? No Falconer, Fred W.  
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 1210' ft. S. and 430' ft. E. from the NW corner of Sec. 21 being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21 Tp. 1 N. R. 48 E. W. M.,  
(Smallest legal subdivision) (N. or S.) (E. or W.)  
in the county of Wallowa The name of the ditch to be used is None

15. Are you the owner of the land on which the proposed point of diversion is to be located? yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? no

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? no  
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are



AFFIDAVIT OF APPLICANT

STATE OF OREGON,  
County of Wallowa } ss.

I, Ray Harp, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 15 day of January, 19 70.

Ray & Mary Harp Ray Ray Harp  
(Name of applicant)

Subscribed and sworn to before me this 15<sup>th</sup> day of January, 19 70.

[Notarial Seal]

Mayanne Martin  
County Clerk NOTARY PUBLIC FOR OREGON

My commission expires \_\_\_\_\_

Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



## Affidavit of Publication

STATE OF OREGON }  
County of Wallowa } ss

I, Thelma Morgan, being  
first duly sworn, depose and say that I am the

Office Manager

(printer, foreman of the printer, principal  
clerk, publisher or business manager)  
of the WALLOWA COUNTY CHIEFTAIN, a  
newspaper of general circulation printed and  
published at Enterprise in the aforesaid County  
and State, as defined in Section 58, Oregon  
Laws, and that the

NOTICE OF FILING APPLICATION  
FOR A CHANGE IN POINT OF  
DIVERSION OF WATER.

a printed copy of which is hereto annexed, was  
published in the entire issue of said newspaper  
for 3 weeks in the issues of

July 16, 1970

July 23, 1970

July 30, 1970

*Thelma Morgan*

Subscribed and sworn to before me this 30<sup>th</sup>  
day of July, 1970

*Chris L. Wheeler*  
Notary Public for Oregon

(My commission expires 11/18/72)

## Notice of Filing Application For A Change In Point Of Diversion Of Water

Notice is given hereby that  
Ray and Harry Harp have filed  
an application for the approval  
of a change in point of diver-  
sion of water from Imnaha  
River.

In the Imnaha River Adjudi-  
cation proceedings a water  
right was established in the  
name of Fred W. Falconer for  
the use of the waters of Imna-  
ha River for stock use and the  
irrigation of, among other  
lands, 20.2 acres in NW $\frac{1}{4}$   
NW $\frac{1}{4}$ , Sec. 21, T. 1 N., R. 48  
E., W.M., with a date of prior-  
ity of 1902. The water is con-  
veyed to these lands by means  
of the Imnaha Ditch from a  
point of diversion located 2100  
ft. N. and 1100 feet E from the  
SE corner of Sec. 28 being  
within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec.  
28, T. 1 N., R. 48 E., W.M.

The applicants herein, own-  
ers of the lands above describ-  
ed, propose to convey water to  
these lands from a point of di-  
version to be located 1210 ft.  
S and 430 ft. E from the NW  
corner of Sec. 21 being within  
the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 21, T.  
1 N., R. 48 E., W.M.

All persons interested are  
notified hereby that a hearing  
will be held at the county  
courthouse at Enterprise, Ore-  
gon, on September 9, 1970, at  
9:30 a.m. All objections to the  
proposed change, if any there  
are, will be heard at said time  
and place. Any and all objec-  
tions shall be prepared in writ-  
ing, one copy to be served on  
Ray and Harry Harp, Imnaha,  
Oregon, and one copy filed with  
the State Engineer, Salem,  
Oregon, together with a \$5 fil-  
ing fee at least 10 days prior  
to the date set for hearing. If  
no objections are filed, the ap-  
plication may be approved by  
the State Engineer without a  
hearing.

Dated at Salem, Oregon, this  
1st day of July, 1970.

CHRIS L. WHEELER  
State Engineer

c1613





STATE  
ENGINEER

WATER RESOURCES DEPARTMENT

516 PUBLIC SERVICE BUILDING • SALEM, OREGON • 97310 • Ph 364-2171

RECEIVED  
JUN 17 1970  
STATE ENGINEER  
SALEM, OREGON

TOM McCALL  
GOVERNOR

CHRIS L. WHEELER  
State Engineer

RE: 2339

April 22, 1970

Ray and Harry Harp  
Imnaha,  
Oregon 97842

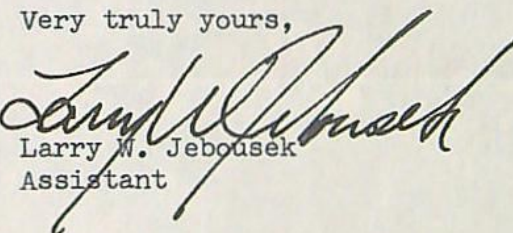
Gentlemen:

We have been withholding action on your transfer application number 2339 pending your reply regarding the domestic use under certificate 9335 through the pumping system.

If no domestic use is to be made through the new pumping point, this use should be deleted from item number 2 on the transfer application. If domestic use is to be made through the pumping system, the location of the house should be shown on the enclosed print.

I am returning your transfer application number 2339 for this correction.

Very truly yours,

  
Larry W. Jebousek  
Assistant

LWJ:mfb

Enclosures

cc Walter L. Astwood, Watermaster  
Wallowa County Courthouse  
Enterprise, Oregon 97828



T-2339  
46550

March 12, 1970

Ray and Harry Harp  
Imnaha  
Oregon 97842

Dear Sirs:

This will acknowledge the return of the affidavits of abandonment to cancel certificate 9332 and a portion of certificate 9335 and an additional fee of \$12.10 for the publication of notice for which our receipt No. 17920 is enclosed.

Certificate 9335 includes domestic use from the Imnaha River. Your transfer application No. 2339 includes the domestic use in the change in point of diversion. Is the domestic use to be made from the proposed pumping point or has the domestic use been abandoned with the ditch?

I will withhold further action on your transfer application No. 2339 pending your reply to this matter.

Very truly yours,

Larry W. Jebousek  
Assistant

LWJ:reo  
Enclosure



RE: 2339  
46650

February 2, 1970

Walter L. Astwood  
Wallowa County Courthouse  
Enterprise, Oregon 97828

Dear Mr. Astwood:

This will acknowledge the return of application number 46650 in the name of Ray and Harry Harp and the transparency map completed to show the location of the 0.3 acre of primary irrigation in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21. This application is now in satisfactory form for approval by issuance of a permit.

Also acknowledged is an application for change in point of diversion of water from the Imnaha River and the fee of \$30.80 for which our receipts numbered 17635, 17636, and 17637 are enclosed. This application has been filed as transfer number 2339.

Also acknowledge is affidavits of abandonment to clear our records of the right described by certificate 9332 and a portion of certificate 9335. Each of the affidavits must also be signed by Mr. Harry Harp. I am returning the affidavits for completion.

An additional \$12.10 fee is required for the publication of notice. Upon receipt of the additional fee we will proceed with preparing the notice.

Would you please advise us as to the name and address of the owner of the land not being canceled from certificate 9335 and if this land is being irrigated.

Very truly yours,

Larry W. Jebousek  
Assistant

LWJ:mfb  
Enclosures  
cc Ray and Harry Harp



NOTICE OF FILING APPLICATION FOR A  
CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Ray and Harry Harp have filed an application for the approval of a change in point of diversion of water from Imnaha River.

In the Imnaha River Adjudication proceedings 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 NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 21, T. 1 N., R. 48 E., W.M., with a date of priority of 1902. The water is conveyed to these lands by means of the Imnaha Ditch from a point of diversion located 2100 ft. N and 1100 ft. E from the SE corner of Sec. 28 being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 28, T. 1 N., R. 48 E., 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 ft. S and 430 ft. E from the NW corner of Sec. 21 being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 21, T. 1 N., R. 48 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Enterprise, Oregon, on September 9, 1970, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Ray and Harry Harp, Imnaha, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 1st day of July, 1970.

CHRIS L. WHEELER  
State Engineer



RECEIVED  
JAN 29 1970  
STATE ENGINEER  
SALEM, OREGON

RECEIVED  
MAR 4 1970  
STATE ENGINEER  
SALEM, OREGON

A F F I D A V I T

STATE OF OREGON       )  
                              )  
County of Wallowa    ) ss.

We, Ray and Harry Harp, being first duly sworn, depose and say that we are the owners of the land and the water right appurtenant thereto, which is for the appropriation of three-eightieths of one cubic foot of water per second from the Imnaha River for domestic, stock and the supplemental irrigation of 2.6 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 1.0 acre in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 16 and 1.0 acre in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 10.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 1 North, Range 48 East, W.M., under a priority date of 1902, as evidenced by certificate recorded at Page 9335, Volume 9, State Record of Water Right Certificates; that we have abandoned any and all interest in and to said right and request the same be canceled.

IN WITNESS WHEREOF, I have hereunto set my hand this

28th day of January, 1970.

Ray Harp  
Harry Harp

Subscribed and sworn to before me this 28th day  
of January, 1970.

Maydine Martin  
Notary Public for Oregon  
County Clerk  
My Commission Expires \_\_\_\_\_