

3598

STATUS OF APPLICATION

Change in point of diversion
 Date filed 3-22-77
 Date of hearing 8-2-77
 Place of hearing Enterprise
 Date of order 8-18-77 Vol. 29, page 236
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued Nov 28 1977 Vol. 32, page 45010
AUG 27 1985 48 53405

to survey 9/77

DESCRIPTION OF WATER RIGHT

Name of stream So. Fork Willowa R. (Lestine R.)
 Trib. of _____ County of Willowa
 Use irrigation & stock
 Quantity of water _____ No. of acres 20^e
 Name of ditch Mill or Bigge
 Date of priority 1883
 In name of J. F. Haun
Willowa Riv Adjudication, Vol. 5, page 172
 App. No. _____ Per. No. _____ Cert. No. 37398
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
3-22-77	\$80.00	59221
TOTAL . . .		
	\$2 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
8-12-77	\$6.45	1429
Recd	80-	
Exam	20-	
POD	15	(35-)
cert		(2-)
PON		(3655)
Refund	6.45	

Pl. 8/12/77
 Willowa Co. Chieftain
 Ch. # 1430

REMARKS

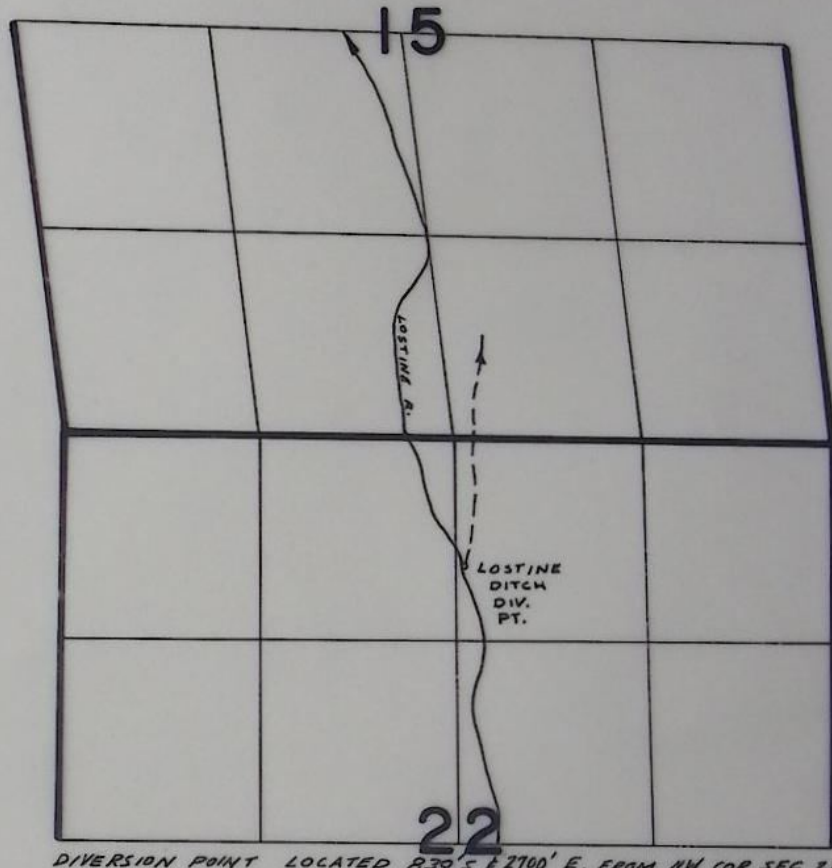
See T-3637

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>leg</u>	
<input checked="" type="checkbox"/>	Stream	<u>leg</u>	
<input checked="" type="checkbox"/>	Pt. of Div.		
<input checked="" type="checkbox"/>	Calendar	<u>leg</u>	
<input checked="" type="checkbox"/>	CHECKED TO RECORDS		
<input checked="" type="checkbox"/>	Twp. & Rge.		
<input checked="" type="checkbox"/>	Decree-vault	<u>leg</u>	
<input checked="" type="checkbox"/>	Decree-safe	<u>leg</u>	
<input checked="" type="checkbox"/>	Cert. of W/R	<u>leg</u>	
<input checked="" type="checkbox"/>	Per. Folder		
<input checked="" type="checkbox"/>	Chaindex		
<input checked="" type="checkbox"/>	Cross Ref.		
<input checked="" type="checkbox"/>	Power Claim	<u>leg</u>	
<input checked="" type="checkbox"/>	Abstracts	<u>leg</u>	

Clark

Edith Haun Clark
Lostine, Oregon 97857

T. 1S. R. 43E. W.M.



DIVERSION POINT LOCATED 830' S & 2700' E. FROM NW COR SEC 22

FINAL PROOF SURVEY
UNDER

TRANSFER 3598

Application No. _____ Permit No. _____
IN NAME OF

.....**EDITH HAUN CLARK**.....

Surveyed 8-22..... 1978, by R. BARWIN.....

STATE OF OREGON

COUNTY OF

WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. F. HAUN

of Lostine, State of Oregon, has a right
to the use of the waters of South Fork of Wallowa River and Wallowa River

a tributary of ~~Wallowa River~~ Grande Ronde River for the purpose of
irrigation of ~~255.8~~ ^{125.8} acres of land, domestic, and stock use
and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Wallowa County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 5, at page 171-2; that the priority of the right thereby
confirmed dates from 1896 for Tract No. 1; 1889 for Tract No. 2; 1895 for Tract No.
3 and 1893 for Tract No. 4;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 1½ 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.

The point of diversion is located in the

A description of the place of use under the right, and to which such right is appurtenant, is as
follows: Tract No. 1, irrigated from the South Fork of Wallowa River; Blocks 1, 2
3 and 15; Lots 1, 2, 3, 14, 15, 16 in Block 6: S½ of Block 5: Lots 3, 4, 5, 6, 7 and 8
in Block 5: Lots 1, 2, 15 and 16 of Block 8: Lots 9, 10, 11, 12, 13, 15, 16 in Block
12 in the Town of Evans in Wallowa County, Oregon.

Tract No. 2, irrigated from Wallowa River: 7.0 acres in the NW¼ NE¼; 19.0 acres in
the SW¼ NE¼; 38.0 acres in the NE¼ NW¼; 34.0 acres in the NW¼ NW¼, 8.5 acres in the
SW¼ NW¼; 19.5 acres in the SE¼ NW¼ and 12.0 acres in the NW¼ SE¼ of Section 3, T.
1 S., R. 43 E., W. M., in Wallowa County, Oregon.

Tract No. 3, irrigated from the South Fork of Wallowa River: 2.9 acres in the NE¼
SW¼ and 2.0 acres in the NW¼ SW¼ of Section 10, T. 1 S., R. 43 E., W. M., in Wallowa
County, Oregon.

Tract No. 4, irrigated from the South Fork of Wallowa River: 10 acres in the NW¼
NW¼ of Section 10 and 10 acres in the SW¼ SW¼ of Section 3, T. 1 S., R. 43 E., W.
M., in Wallowa County, Oregon.

Certificate of water right issued to J. F. Haun and recorded at page 3048, Volume
4, State Record of Water Right Certificates, confirms the right to the use of
water for irrigation of 205.3 acres. A change in the right to the use of water
appurtenant to 35.5 acres was approved by order of the State Engineer entered
August 31, 1970. This certificate is issued to confirm the remaining right to the
use of water for irrigation and supersedes the certificate heretofore issued to
J. F. Haun.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 37398, Volume 29, State Record of Water Right
Certificates, NOT modified by the provisions of any orders of the Water Resources
Director entered on Aug 18, 1977, approving transfer application No. 3598
and entered on Dec 13, 1977 " " " " 3637
The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

Recorded in State Record of Water Right Certificates, Volume 29, page 37398

45010

T#3598

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WALLOWA COUNTY

IN THE MATTER OF THE APPLICATION OF)
EDITH HAUN CLARK FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM LOSTINE RIVER)

ORDER APPROVING
TRANSFER NO. 3598

On March 22, 1977, an application was filed in the office of the Water Resources Director by Edith Haun Clark for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 37398, Volume 29, State Record of Water Right Certificates, in the name of J. F. Haun, describes a right which includes the use of water from South Fork Wallowa (Lostine) River for stock water and irrigation of 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, and 10.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 1 South, Range 43 East, W.M., with a date of priority of 1883.

Water for the said right is diverted through the Mill or Biggs Ditch, from a point located 200 feet North and 1300 feet East from the Southwest corner of Section 10, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 10.

The applicant herein owner of the lands above described, proposes to change the point of diversion therefrom and, without loss of priority, to divert the water through the Lostine Ditch, from a point located 750 feet South and 2700 feet East from the Northwest corner of Section 22, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 1 South, Range 43 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 June 2, 9 and 16, 1977.

V29
P236-238

Mr. Robert D. DeBow, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change 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 change in point of diversion as described herein, without loss of priority, is approved.

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 under the subject 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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to J. F. Haun and recorded at page 37398, Volume 29, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued

covering the balance of the right NOT involved in this proceeding, 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 18th day of August, 1977.

/s/ James E. Sexson
Director

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 WATER RIGHT TRANSFER APPLICATION NO. 3598

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

June 2, 1977

June 9, 1977

June 16, 1977

Thelma Morgan

Subscribed and sworn to before me this 23rd
day of June, 1977

Ronald L. Stewart

Notary Public for Oregon

(My Commission expires 15 Jan. 1981.)



RECEIVED

JUL - 8 1977

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF WATER RIGHT TRANSFER

Application No. 3598

Notice is given here by
that an application has
been filed in the office of
the Water Resources Di-
rector by Edith Haun
Clark for approval of a
change in point of diver-
sion from South Fork
Wallowa (Lostine) River.

The certificate recorded
at Page 37898, Vol. 29,
State Record of Water
Right Certificates, in the
name of J.F. Haun, de-
scribes a right which
includes the use of water
from South Fork Wallowa
(Lostine) River for irriga-
tion of 10.0 acres in SW 1/4
SW 1/4 of Sec. 3, and 10.0
acres in NW 1/4 NW 1/4 of
Sec. 10, T. 1 S., R. 43 E.,
W.M., with a date of
priority of 1883.

Water for the said right
is diverted through the
Mill or Biggs Ditch from a
point located 200 ft. N. and
1300 ft. E. from the SW
corner of Sec. 10, being
within the SW 1/4 SW 1/4 of
said Sec. 10.

The applicant herein,
owner of the lands above
described, proposes to
change the point of diver-
sion therefrom and, with-
out loss of priority, to
divert the water through
the Lostine Ditch, from a
point located 750 ft. S. and
2700 ft. E. from the NW
corner of Sec. 22, being
within the NW 1/4 NE 1/4 of
Sec. 22, T. 1 S., R. 43 E.,
W.M.

All persons interested
are notified hereby that a
hearing will be held at the
county courthouse at En-
terprise, Oregon, on Aug-
ust 2, 1977, at 1:30 p.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 prepar-
ed in writing, one copy to
be served on Edith Haun
Clark, Rt. 1, Lostine, Ore-
gon 97857, and one copy
filed with the Water Re-
sources Department, Sa-
lem, Oregon 97310, to-
gether with a \$10 filing fee,
at least 10 days prior to the
date set for hearing. IF NO
OBJECTION IS FILED,
THE APPLICATION
MAY BE APPROVED BY
THE WATER RE-
SOURCE DIRECTOR
WITHOUT A HEARING.

Administrative rules
pertaining to the filing of a
protest will be furnished
by the Water Resources
Department upon request.

Dated at Salem, Oregon,
this 24th day of May, 1977.

James E. Sexson
Director

c11t3