

Wallowa County

IN THE MATTER OF THE APPLICATION
OF M. H. GILLESPIE FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM SOUTH FORK WALLOWA
RIVER

ORDER APPROVING
TRANSFER NO. 3398

On April 21, 1976, M. H. Gillespie filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from South Fork Wallowa River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to J. D. Wood and recorded at Page 3196, Volume 4, State Record of Water Right Certificates, confirms a right to the use of water from South Fork Wallowa River for stock and irrigation of 18.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 1 South, Range 43 East, W.M., with a date of priority of 1881. These lands are irrigated by means of the Bowman ditch from a point of diversion located 180 feet North and 2575 feet East from the Southwest corner of Section 15, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 1 South, Range 43 East, W.M.

The applicant herein, owner of the lands above described, proposes to provide water for stock use and irrigate these lands from a point of diversion to be located 541 feet South and 2583 feet East from the Southwest corner of Section 15, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 1 South, Range 43 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

Mr. Robert W. DeBow, 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 objection 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 change in point of diversion of water from South Fork Wallowa River, to wit:

From a point located 180 feet North and 2575 feet East from the Southwest corner of Section 15, being within the $SE\frac{1}{4}$ $SW\frac{1}{4}$ of Section 15, Township 1 South, Range 43 East, W.M.

To a point to be located 541 feet South and 2583 feet East from the Southwest corner of Section 15, being within the $NE\frac{1}{4}$ $NW\frac{1}{4}$ of Section 22, Township 1 South, Range 43 East, W.M.

for stock use and irrigation of 18.0 acres in $NW\frac{1}{4}$ $NE\frac{1}{4}$, Section 15, Township 1 South, Range 43 East, W.M., with a date of priority of 1881, 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, 1977.

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 remainder of the irrigation season.

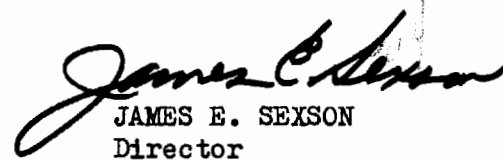
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

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 certificate of water right heretofore issued to J. D. Wood and recorded at Page 3196, Volume 4, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to M. H. Gillespie confirming the change in point of diversion.

Dated at Salem, Oregon, this 17th day of May, 1976.


JAMES E. SEXSON
Director