

3363

## STATUS OF APPLICATION

Change in point of diversion  
Date filed 2-13-76  
Date of hearing Enterprise  
Place of hearing 5-6-76  
Date of order 5-28-76 Vol. 27, page 218  
Date for application of water 10-1-77  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued AUG 30 1976 Vol. 35, page 43

1 AUG 30 1976 Vol. 35, page 43611  
JUL 3 1979 41 Survey 8/76 48314

### DESCRIPTION OF WATER RIGHT

Name of stream Prairie Creek  
Trib. of \_\_\_\_\_ County of Willow  
Use Irrigation, domestic and stock  
Quantity of water \_\_\_\_\_ No. of acres 8 2  
Name of ditch Ivanhoe Ditch  
Date of priority 1889  
In name of E. A. Hart  
Willow River Adjudication, Vol. 5, page 171  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 3047  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

**FEES PAID**

Date	Amount	Receipt No.
2-13-76	35.00	51418
2-13-76	40.00 <sup>PON</sup>	51419
TOTAL . . .	75.00	
4-8-76	Cert. Fee	51419 <sup>FROM P.O.N.</sup>

## FEES REFUNDED

Date	Amount	Check No.
4-8-76	<sup>8</sup> 3.75	507

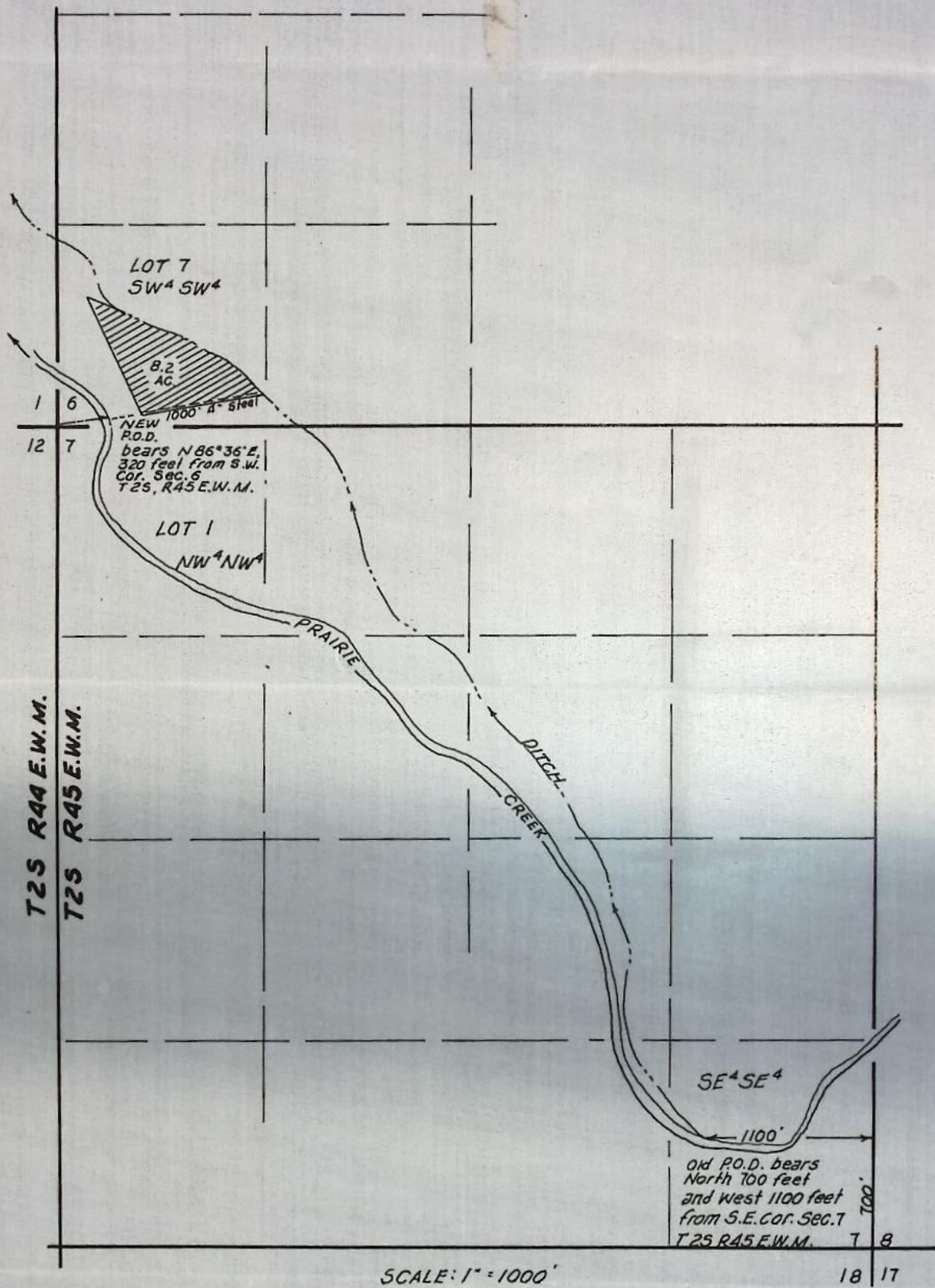
## REMARKS

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

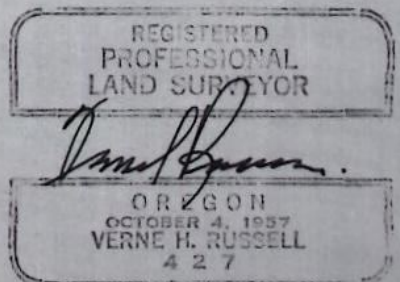


T-3363

RECEIVED  
FEB 13 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON



Prepared for Dick Ingle and John Hillock  
By: Verne H. Russell - Oregon PLS No. 427  
Date: 1-24-76





BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION  
OF DICK INGLE AND JOHN HILLOCK FOR  
THE APPROVAL OF A CHANGE IN POINT  
OF DIVERSION OF WATER FROM PRAIRIE  
CREEK

ORDER APPROVING  
TRANSFER NO. 3363

On February 13, 1976, Dick Ingle and John Hillock filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Prairie Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to E. A. Hart and recorded at Page 3047, Volume 4, State Record of Water Right Certificates, confirms a right to the use of water from Prairie Creek for the irrigation of, among other lands, 8.2 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 6, Township 2 South, Range 45 East, W.M., with a date of priority of 1889. These lands are irrigated from a point of diversion located 700 feet North and 1100 feet West from the Southeast corner of Section 7, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 7, Township 2 South, Range 45 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located North 86 degrees, 36 minutes East 320 feet from the Southwest corner of Section 6, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6, Township 2 South, Range 45 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 May 6, 1976, 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 March 11, 18 and 25, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert 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 Prairie Creek, to wit:

From a point located 700 feet North and 1100 feet West from the Southeast corner of Section 7, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 7, Township 2 South, Range 45 East, W.M.

To a point to be located North 86 degrees 36 minutes East 320 feet from the Southwest corner of Section 6, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6, Township 2 South, Range 45 East, W.M.

for the irrigation of 8.2 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 6, Township 2 South, Range 45 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, 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 1/80 cubic foot per second per acre irrigated during the irrigation season.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the water master 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 E. A. Hart and recorded at Page 3047, 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 Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Dick Ingle and John Hillock confirming the change in point of diversion.

Dated at Salem, Oregon, this 28th day of May, 1976.

/s/ JAMES E. SEXSON  
Director



## 16194

INSPECTION  
9-27-76  
R.G.M.

County      Wallowa

97828

WALLAWA Riv.

1889 ✓

irrigation

North 86 degrees 36 minutes East 320 ft. from

the SW corner of Sec. 6, being within the  $SW\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 6, T. 2 S., R. 45 E., W.M.

DATE FOR APPLICATION OF WATER: 10/1/77

[illegible]

INFO: Mr. Hillock

All is in. as filed.

DIV. - Direct

PUMP - BERKELEY D.D. CENTR. 2" X 3" RATED 160 G.P.M @ 130' HD

MOTOR - MARATHON  $7\frac{1}{2}$  H.P. @ 3450 R.P.M.

PIPE - BURIED 4" PVC. MAIN  
800' - 3" ALUM LATERAL

HEADS - 20 R.B 30'S  $\frac{1}{4}$ " X 0 ALL MAX.

CROP - PASTURE, YARD & GARDEN

LIFT - + 5 TO + 36

TIE - APPL. MAP LOOKS OK

9-27-76

R. G. Mueken

RECEIVED

JUL - 91976

WATER RESOURCES DEPT  
SALEM, OREGON

Transfer No. 3363

NOTICE OF COMPLETION OF CONSTRUCTION

WE Dick Ingle and John Hillock hereby certify  
that the construction work has been completed and the change in point  
of diversion of water made as set forth in the order of the Water  
Resources Director dated 28th day of May, 1976, approving an application  
for a change in point of diversion of water from PRAIRIE CREEK

June 29-76  
Date

June 30-76  
Date

Dick C. Ingle  
Name

John Hillock  
Name



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FEB 13 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Dick Ingle and John Hillock  
(Name of applicant)

of P.O. Box 39 Enterprise, County of Wallowa  
(Postoffice)

State of Oregon, do hereby make application for 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 Prairie Creek  
(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 Ivanhoe

4. The point of diversion is located 700 ft. N. and 1100 ft. W. from the SE  
(N. or S.) (E. or W.)

corner of section 7 being within the SE 1/4 SE 1/4  
(Section or subdivision)

of Section 7 Tp. 2 S. R. 45 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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
2 S.	45 E.	6											8.2					

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? 1889

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 3047  
(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 Wallowa River Decree  
(Yes or No)

12. Is the water right recorded in your name? No - E. A. Hart  
(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.

N. 86°36' E. 320 feet

14. The proposed point of diversion is located ..... ft. ..... and ..... ft. .... from the SW corner of section 6 being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  (L7) of Section 6 Tp. 2 S. R. 45 E. W. M.,  
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)  
in the county of Wallowa The name of the ditch to be used is .....

15. Are you the owner of the land on which the proposed point of diversion is to be located? No

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.

Justin Snyder - Staß Rt. Enterprise

17. Are there any diversions between your present point of diversion and the proposed point of diversion? yes

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.? .....  
(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 for better utilization



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of .....Wallowa.....

} ss.

X, WE Dick Ingle and John Hillock, 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 .....5th day of February....., 19 76..

*Dick Ingle*  
*John Hillock*  
(Name of applicant)

Subscribed and sworn to before me this .....5 th day of February....., 19 76..

[Notarial Seal]

*Robert H. Ingle*  
NOTARY PUBLIC FOR OREGON

My commission expires April 24, 1976

Remarks .....The use will be for irrigation only.....

.....\$40.00 is included in the fees for publication.....

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

March 11, 1976  
March 18, 1976  
March 25, 1976

Thelma Morgan

Subscribed and sworn to before me this 25<sup>th</sup>  
day of March, 1976

Ronald L. Stuart

Notary Public for Oregon

(My Commission expires 15 Jan. 77.)

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

Notice is given that Dick  
Ingle and John Hillock  
have filed an application  
for the approval of a  
change in point of diver-  
sion of water from Prairie  
Creek.

Certificate of water  
right issued to E.A. Hart  
and recorded at page 3047,  
Volume 4, State Record of  
Water Right Certificates,  
confirms a right to the use  
of waters of Prairie Creek  
for the irrigation of, among  
other lands, 8.2 acres in  
SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 6, T. 2 S.,  
R. 45 E., W.M., with a date  
of priority of 1889. Water  
for this use is diverted  
from a point located 700 ft.  
N. and 1100 ft. W. from the  
SE corner of Sec. 7, being  
within the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec.  
7, T. 2 S., R. 45., W.M.

The applicant herein,  
owner of the land above  
described, proposes to irri-  
gate these lands from a  
point of diversion to be  
located N. 86° 36' E. 320 ft.  
from the SW corner of Sec.  
6, being within the  
SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 6, T. 2 S.,  
R. 45 E., W.M.

All persons interested  
are notified hereby that a  
hearing will be held at the  
county courthouse at En-  
terprise, Oregon, on May  
6, 1976, 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 prepar-  
ed in writing, one copy to  
be served on Dick Ingle  
and John Hillock, P.O. Box  
39, Enterprise, Oregon  
97828, and one copy filed  
with the Water Resources  
Department, Salem, Ore-  
gon 97310, together with a  
\$10 filing fee, at least 10  
days prior to the date set  
for hearing. If no objec-  
tions are filed, the applica-  
tion may be approved by  
the Water Resources Di-  
rector without a hearing.  
Administrative rules per-  
taining to the filing of a  
protest will be furnished  
by the Water Resources  
Department upon request.

Dated at Salem, Oregon,  
this 4th day of March,  
1976.

James E. Sexson  
Director

c51t3

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APR 2 1976

WATER RESOURCES DEPT.  
SALEM, OREGON





## STATE OF OREGON

## INTEROFFICE MEMO

TO: Trev Jones

DATE: 8 March 1976

FROM: Bob DeBow

SUBJECT: Transfers T- 3321 &amp; T- 3363

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MAR - 8 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON

There will be no need for measuring devices at the present time on either one of these transfers. Neither will injure any of the existing rights.

Robert W. DeBow  
WATERMASTER DIST #7





## WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

ROBERT W. STRAUB  
GOVERNOR

February 19, 1976

T-3363

JAMES E. SEXSON  
Director

WATER POLICY REVIEW  
BOARD

EMERY N. CASTLE  
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Corvallis

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Vice Chairman  
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Klamath Falls

ANN W. SQUIER  
Portland

RICHARD ROY  
Portland

JAMES HILL  
Arch Cape

JEAN FROST  
Portland

Pearl H. Ingle  
P.O. Box 239  
Enterprise, OR 97828

Dear Ms. Ingle:

The application for a change in point of diversion of water from Prairie Creek you submitted for John Hillock and Dick Ingle was filed as Transfer No. 3363. The map, copy of the right of way easement, and \$75.00 were also received.

According to the information supplied in the remarks section of the application, it is intended to use the proposed point of diversion only for irrigation purposes. If so, domestic and stock uses must be deleted from Item No. 2. Rather than return the application, I can delete the domestic and stock use upon receipt of written authorization from John Hillock and Dick Ingle.

There is also an existing right of record evidenced by the certificate of water right recorded at Page 13704, State Record of Water Right Certificates, which provides for the use of water from Spring Creek for the irrigation of, among other lands, the acreage listed on the transfer application. This right would be considered supplemental and the water was conveyed from Spring Creek by means of the Ivanhoe Ditch. Will you please advise us of the present status of this right? If this right has been abandoned or lost through non-use for five successive years, it should be cleared from our records.

Further action on the application will be held for a reasonable length of time pending receipt of a reply.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WO:db

Enclosures: Receipts No. 51418 and No. 51419  
cc: Robert W. DeBow, Watermaster





STATE OF OREGON

INTEROFFICE MEMO

TO: Wayne Overcash

FROM: Bob DeBow

SUBJECT: Trans. - T-3363

DATE: 23 Feb. 1976

In regards to our telephone conversation of the 23rd, I wish to inform you for the record that I have discussed the matter with the parties involved. They are aware of the deletion of the stock and domestic part of the right and authorize you to make the changes necessary.

Also the supplemental right from Spring Creek is still in good status and can be used if need arises depending on the water year.

Sincerely,

Robert W. DeBow  
Watermaster Dist. #7

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FEB 24 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON



T 33-63

RECEIVED

FEB 13 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

RIGHT OF WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS That E. JUSTIN SNYDER and WANDA M. SNYDER, husband and wife, as first party, for a valuable consideration, do hereby grant and give to JOHN B. HILLOCK and IDA J. HILLOCK, husband and wife, and DICK C. INGLE and PEARL INGLE, husband and wife, as second party, their heirs and assigns, a right of way over and across the hereinafter described real property:

Commencing at a point which bears North 81° 46' East, 1,068.70 feet and South 86° 36' West, 497.62 feet from the Southwest corner of Section 6, Township 2 South, Range 45 East of the Willamette Meridian, which point of beginning is the Southwest corner of a certain tract heretofore sold on contract from Snyders to Hillocks; running thence South 86° 36' West to Prairie Creek.

IT IS UNDERSTOOD AND AGREED that said right of way is for the purpose of second party installing an irrigation pipeline to take water from Prairie Creek and that said pipeline will be buried at least three feet deep and will be maintained in such a way as to not in any way interfere with first party's use of their land and that second party has the right to install an intake in Prairie Creek at the end of such pipeline.

IT IS FURTHER UNDERSTOOD AND AGREED that second party will file for and obtain water rights from Prairie Creek and upon obtaining same will release to first party, water rights from existing ditch company now serving second party's property.

IT IS FURTHER UNDERSTOOD AND AGREED that all rights granted hereunder shall cease if and when such water pipeline shall have been abandoned.

To Have and to Hold said easement to said grantees, their



heirs and assigns forever, subject to the conditions herein-  
above set out.

DATED this 17 day of June, 1975.

E. Justin Snyder  
Wanda M. Snyder

STATE OF OREGON     )  
                              ) ss.  
County of Wallowa    )

On this 17 day of June, 1975, before me  
appeared E. JUSTIN SNYDER and WANDA M. SNYDER, husband and wife,  
known to me to be the identical individuals described in and who  
executed the within instrument and acknowledged to me that they  
executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
affixed my official seal the day and year last above written.

Richard E. Preston  
Notary Public for Oregon

My commission expires:



INDEXED  
07407

STATE OF OREGON }  
County of Wallowa } ss

I certify that the within instrument was  
received for record on the 17th day of  
June A. D. 1975 at 2:19  
o'clock P. M. and recorded in Book  
84 on page 292 Records of  
deeds of said County

Witness my hand

*My commission expires*  
County Clerk

By \_\_\_\_\_  
Deputy